Secret

Bradley D. Beauchamp, Gila County Attorney
Attorney for the State of Arizona
1400 E. Ash Street
Globe, AZ 85501
PH: (928)425-3231 ext 8630
FX: (928)425-3720

FILED
2021 JUL 20 PM 12:08
ANITA ESCOBEDO, CLERK
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF GILA

On the 20th day of July, 2021

| | |
|---|---|
| STATE OF ARIZONA<br><br>Plaintiff,<br><br>vs.<br><br>SCOTT SURGENT,<br><br>Defendant. | CR2021-00219<br><br>No. 136GJ-174<br><br>DIRECT INDICTMENT |

The grand jurors of Gila County, in the name of the State of Arizona and by its authority, accuse:

SCOTT SURGENT

Charging that in Gila County, Arizona: **SCOTT SURGENT**, committed felonies, to wit:

**COUNT ONE**
**AGGRAVATED ASSAULT WITH A DEADLY WEAPON A DANGEROUS NATURE OFFENSE/DOMESTIC VIOLENCE**
**A CLASS 3 FELONY**

On or about **MARCH 9, 2021 - MAY 9, 2021, SCOTT SURGENT,** intentionally placed BETH COUSLAND in reasonable apprehension of imminent physical injury by pointing a deadly weapon or dangerous instrument, to wit: a dark colored handgun, at BETH COUSLAND while she took a nap on a couch, in violation of A.R.S. §§ 13-1204(A)(2), 13-1203(A)(2),13-3601, 13-701, 13-702, 13-704, 13-801, 16-954, 12-114.01, 12-116.01 and 12-116.02.

I, **Sherry Dorathy**, Foreperson of the 136th Grand Jury sitting in Gila County, do hereby endorse this as a true bill.

County Attorney's Office

Grand Jury Foreperson

**PHYSICAL DESCRIPTION:**

| | |
|---|---|
| RACE-SEX: | WHITE - MALE |
| DOB: | 06/04/1967 |
| SSN: | |
| HT: | 6'4'' |
| WT: | 225 |
| Hair: | WHITE |
| Eyes: | BLUE |
| LKA: | 209 N Durango CT Payson, AZ 85541 |

Payson Police Department DR# 2021-05076

INDICTMENT 136GJ-174

**Bradley D. Beauchamp, Gila County Attorney**
**AZ BAR# 021668**
**1400 East Ash Street**
**Globe, AZ 85501**
**Telephone: (928)425-3231, Ext. 8630**
**Attorney for the State**

FILED
2021 JUL 21 PM 2:26
ANITA ESCOBEDO, CLERK
BY _____ DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **STATE OF ARIZONA,** **Plaintiff,** vs. **SCOTT SURGENT,** **Defendant.** | **No. CR 2021-219** **MOTION TO AMEND DEFENDANT'S COUNT** |

The State, by and through the Office of the Gila County Attorney, hereby moves the Court to amend Count One contained in the Direct Indictment because it is in error. The correct count should read:

> On or about **MAY 9, 2021, SCOTT SURGENT,** intentionally placed BETH COUSLAND in reasonable apprehension of imminent physical injury by pointing a deadly weapon or dangerous instrument, to wit: a dark colored handgun, at BETH COUSLAND while she took a nap on a couch, in violation of A.R.S. §§ 13-1204(A)(2), 13-1203(A)(2),13-3601, 13-701, 13-702, 13-704, 13-801, 16-954, 12-114.01, 12-116.01 and 12-116.02.

**RESPECTFULLY SUBMITTED** this 21 day of July, 2021.

OFFICE OF THE GILA COUNTY ATTORNEY

KE
Kayla Evans
Deputy Gila County Attorney

A copy of the foregoing Motion to Amend and Order mailed/delivered this 21st day of July, 2021, to:
Timothy M. Wright, Judge
By: _____

Salem Div. 2

FILED

2021 JUL 22 PM 1:09

ANITA ESCOBEDO, CLERK

BY _____ DEPUTY

**Bradley D. Beauchamp Gila County Attorney**
**AZ BAR# 021668**
**1400 East Ash Street**
**Globe, AZ 85501**
**Telephone: (928) 425-3231, Ext. 8630**
**Attorney for the State**

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **STATE OF ARIZONA,** **Plaintiff,** **vs.** **SCOTT SURGENT,** **Defendant.** | **No. CR 2021-219** **ORDER TO AMENDING DEFENDANT'S COUNT** |

The Court having read and considered the State's Motion to Amend the Direct Indictment and good cause appearing;

**IT IS HEREBY ORDERED** that the Direct Indictment be amended to reflect the correct date of violation in Count One. Count One should read:

> On or about **MAY 9, 2021, SCOTT SURGENT,** intentionally placed BETH COUSLAND in reasonable apprehension of imminent physical injury by pointing a deadly weapon or dangerous instrument, to wit: a dark colored handgun, at BETH COUSLAND while she took a nap on a couch, in violation of A.R.S. §§ 13-1204(A)(2), 13-1203(A)(2),13-3601, 13-701, 13-702, 13-704, 13-801, 16-954, 12-114.01, 12-116.01 and 12-116.02.

**DONE IN OPEN COURT** this 22 day of July, 2021.

_____
JUDGE OF THE SUPERIOR COURT

Gilem Ok

Michael M. Ricard
Attorney at Law
9375 East Shea Blvd, Suite 100
Scottsdale, Arizona 85260
Telephone: (602) 275-3200
Email: MRicard@RicardLaw.com
Arizona Bar No. 011301
Attorney for Defendant

FILED
2021 AUG 10 PM 3:16
ANITA ESCOBEDO, CLERK
BY _____ DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **STATE OF ARIZONA,** Plaintiff,<br>**SCOTT SURGENT,** Defendant. | Case No.: S0400CR202100219<br>**NOTICE OF APPEARANCE**<br>(Honorable Timothy M. Wright) |

**NOTICE IS HEREBY GIVEN** that Michael Ricard, Ricard Law Firm, will associate as counsel for Defendant, **SCOTT SURGENT** from July 2, 2021 to August 31, 2021. A plea of not guilty is hereby entered on behalf of Defendant.

Mr. Surgent was arrested initially on May 9th and released on May 10th. Mr Surgent retained the Law Office of Phil Hineman P.C. on May 13, 2021. The May 20th Preliminary Hearing was vacated when a complaint was not filed.

Mr. Surgent recently received notice of the indictment and accordingly, undersigned counsel enters his notice of appearance along with his association.

Upon reinstatement to practice law, Phil Hineman, of the Law Office of Phil Hineman, P.C. will continue to represent Defendant and will file a notice dissolving this association.

RESPECTFULLY SUBMITTED this 6th day of August, 2021.

for Mike Ricard

**ORIGINAL** of the foregoing filed via FedEx
This 6th day of August, 2021 to:

Clerk of the Court
Gila County Superior Court
1400 E. Ash Street
Globe, AZ 85501

**COPY** of the foregoing emailed
This 6th day of August, 2021 to:

Honorable Timothy M. Wright
Judge of the Superior Court
vguadiana@courts.az.gov

Paul Rubin
Gila County Attorney's Office
714 S. Beeline Hwy. Ste 202
Payson, Arizona 85541
kferguson@gilacountyaz.gov

Cyra Valdez

Michael M. Ricard
Attorney at Law
9375 East Shea Blvd, Suite 100
Scottsdale, Arizona 85260
Telephone: (602) 275-3200
Email: MRicard@RicardLaw.com
Arizona Bar No. 011301
Attorney for Defendant

FILED
2021 AUG 10 PM 3:38
ANITA ESCOBEDO, CLERK
BY _____ DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

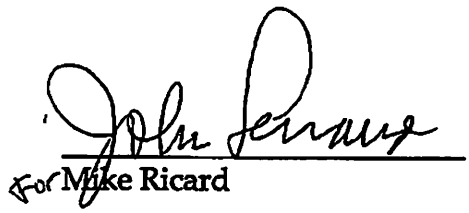
| | |
|---|---|
| | Case No.: S0400CR202100219 |
| **STATE OF ARIZONA,** Plaintiff, | **MOTION TO CONTINUE AUGUST 16, 2021 ARRAIGNMENT** |
| **SCOTT SURGENT,** Defendant. | (Honorable Timothy M. Wright) |

**COMES NOW** Defendant, **SCOTT SURGENT,** by and through undersigned counsel, Mike M. Ricard, Ricard Law Firm, and hereby requests this arraignment be continued for a period of four (4) weeks until September 20th based on the fact that Phil Hineman was counsel for the defendant when the defendant was arrested initially and booked into jail back in May. There was a Preliminary Hearing set in Justice Court on May 20, 2021 which did not proceed forward and the charges were dismissed without prejudice. Undersigned counsel is associating for Mr. Hineman until he is reinstated which is expected to be the early part of September.

Deputy County Attorney, Paul Rubin has been contacted and has no opposition to continuing the arraignment as long as time is waived. The Defendant agrees to waive any time limitations. This Motion is made in good faith and not for the purpose of delay.

Mr. Surgent requests this matter be continued to September 20th.

RESPECTFULLY SUBMITTED this 6th day of August, 2021.



For Mike Ricard

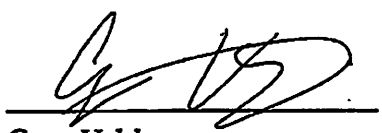
**ORIGINAL** of the foregoing filed via FedEx
This 6th day of August, 2021 to:

Clerk of the Court
Gila County Superior Court
1400 E. Ash Street
Globe, AZ 85501

**COPY** of the foregoing emailed
This 6th day of August, 2021 to:

Honorable Timothy M. Wright
Judge of the Superior Court
vguadiana@courts.az.gov

Paul Rubin
Gila County Attorney's Office
714 S. Beeline Hwy. Ste 202
Payson, Arizona 85541
kferguson@gilacountyaz.gov



Cyra Valdez

Michael M. Ricard
Attorney at Law
9375 East Shea Blvd, Suite 100
Scottsdale, Arizona 85260
Telephone: (602) 275-3200
Email: MRicard@RicardLaw.com
Arizona Bar No. 011301
Attorney for Defendant

FILED IN PAYSON
2021 AUG 16 AM 8:2
ANITA ESCOBEDO, CLERK
BY _____ DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **STATE OF ARIZONA,** Plaintiff, **SCOTT SURGENT,** Defendant. | Case No.: S0400CR202100219 **ORDER RE: MOTION TO CONTINUE ARRAIGNMENT** (Honorable Timothy M. Wright) |

Based on good cause appearing,

**IT IS THEREFORE ORDERED** continuing the August 16, 2021 arraignment to the 20 day of September, 2021. 3:00 pm Payson

**SO ORDERED THIS** 16 day of August, 2021.

Honorable Timothy M. Wright
Judge of the Superior Court

cc/em
DV-2
CA
Ricard

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
09/20/2021 12:32PM
BY: DAROCHA
DEPUTY

**LAW OFFICE OF PHIL HINEMAN, P.C.**
1910 S. Stapley Drive, Suite 221
Mesa, Arizona 85204
PHIL HINEMAN, #11887
602-977-2859 Phone
phineman@hineman.com
Attorney for Defendant

**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **STATE OF ARIZONA**<br>**Petitioner,**<br><br>**SCOTT SURGENT**<br><br>**Defendant.** | Case No.: S0400CR202100219<br><br>**NOTICE DISSOLVING ASSOCIATION OF COUNSEL DURING PENDENCY OF SUSPENSION**<br><br>(Honorable Timothy M. Wright) |

NOTICE IS HEREBY GIVEN, on August 6, 2021, the undersigned filed a Notice of Association of Counsel During Pendency of Suspension through associate Michael M. Ricard, advising the Court that he had been suspended from the practice of law by Order of the Presiding Disciplinary Judge, and that Michael M. Ricard would associate as counsel for Defendant, SCOTT SURGENT. On September 3, 2021, the Presiding Disciplinary Judge entered an Order reinstating the undersigned to the practice of law, and Mr. Hineman hereby gives notice that he has dissolved Mr.Ricard's association as counsel.

**RESPECTFULLY SUBMITTED** this 20th day of September, 2021.

LAW OFFICE OF PHIL HINEMAN, P.C.

/s/ Phil Hineman
Phil Hineman,
Attorney for Defendant

ORIGINAL of the foregoing efiled
This 20th day of September, 2021 to:

Clerk of the Court
Gila County Superior Court
https://efile.azcourts.gov/

COPY of the foregoing emailed
This 20th day of September, 2021 to:

Honorable Timothy M. Wright
Judge of the Superior Court
vguadiana@courts.az.gov

Paul Rubin
Gila County Attorney's Office
714 S. Beeline Hwy. Ste 202
Payson, Arizona 85541
kferguson@gilacountyaz.gov

Michael M. Ricard
MRicard@RicardLaw.com

/s/ Cyra Valdez
Cyra Valdez

Filed on 9/23/2021 8:41:06 AM

**SUPERIOR COURT OF ARIZONA**
**GILA COUNTY**

**DATE: 09/20/2021**
**JUDGE: TIMOTHY M. WRIGHT**
**HEARD BY:**
**LOCATION: DIV II PAYSON**
**COURT REPORTER: NONE**
**☒ AUDIO RECORDING**

**ANITA ESCOBEDO**
**CLERK OF THE SUPERIOR COURT**
**BY: R BURKE, DEPUTY CLERK**

**MINUTE ENTRY**

| | |
|---|---|
| **STATE OF ARIZONA,** **Plaintiff,** **VS.** **SCOTT SURGENT,** **Defendant.** | **CASE NO. S0400CR202100219** **☒ VICTIM CASE** **Start time: 3:29 p.m.** **End time: 3:34 p.m.** |

**ARRAIGNMENT ON INDICTMENT/INFORMATION**

**APPEARANCES:** The State is represented by Mary Bystricky, Deputy County Attorney; Defendant is present with counsel, Phil Hineman.

This is the date set for Arraignment.

Defendant is advised of the Indictment and of his constitutional rights including right to counsel.

Mr. Hineman waives a formal reading of charging document and enters a plea of not guilty and a denial to the allegation(s) on behalf of Defendant.

**IT IS ORDERED** setting Trial Setting Conference and possible Change of Plea for **Monday, October 25, 2021, at 3:45 p.m., before the Honorable Timothy M. Wright, Division Two Payson.**

Discussion re Defendant's conditions of release. State provides position for the record. On the Court's own motion,

**ORDERED** that Defendant remain released on his own recognizance with specific release conditions stated for the record.

Defendant is advised of conditions of release, and a written copy of those conditions is provided.

FILED: Conditions of Release signed by the Court and by the Defendant.

Mr. Hineman reports receipt of discovery and waiting on request for body cam footage.

Defendant is admonished to be present for next hearing and is advised that failure to appear could result in the issuance of an arrest warrant. Defendant acknowledges an understanding of release conditions.

CC:
PHIL HINEMAN [em]

OFFICE DISTRIBUTION:
COUNTY ATTORNEY [em]
COURT ADMINISTRATION [em]
VICTIM ADVOCATE [em]

FILED
AT 3:34 PM

SEP 20 2021

ANITA ESCOBEDO, CLERK
BY _____ DEPUTY

IN THE SUPERIOR COURT
STATE OF ARIZONA, COUNTY OF GILA

STATE OF ARIZONA
vs.
Scott Surgent
Defendant

CR 2021 219

CONDITIONS OF RELEASE

**RELEASE TYPE**

- ☒ OR with Level n/a Conditions
- ○ Secured Bond - $_____
- ○ Cash Only Bond - $_____
- ○ NO BOND
- ○ Unsecured Bond - $_____
- ○ Third Party Release to:

_____

_____

**RELEASE CONDITIONS**

***Obey all laws**
***Not leave Arizona**
***No contact with the Victim**
***Not consume alcohol**
***Report law enforcement contact to PreTrial Services**
***Appear at all Court Hearings**
***Maintain contact with your attorney**
***Not possess firearms or deadly weapons**

*
*Take all prescribed Medications

NEXT COURT DATE - 10/25/21 3:45 pm (PAYSON/GLOBE)

IF YOU VIOLATE ANY CONDITION OF YOUR RELEASE, YOUR RELEASE MAY BE REVOKED, ANY BOND FORFEITED, AND YOU MAY BE HELD IN CONTEMPT. IF YOU FAIL TO APPEAR AT ANY COURT HEARING, THE HEARING MAY PROCEED IN YOUR ABSENCE, A WARRANT FOR YOUR ARREST MAY ISSUE, AND YOU COULD BE CHARGED WITH A CLASS 5 FELONY OF FAILURE TO APPEAR.

9/20/21
Date

Judge

I UNDERSTAND AND WILL COMPLY WITH ALL RELEASE CONDITIONS INDICATED ABOVE.

Defendant

Address 1750 S. Price Rd #152
Tempe AZ 85281

Phone # 480 363 4702

Message # _____

Emergency # _____

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
10/07/2021 11:29AM
BY: SHGARCIA
DEPUTY

Bradley D. Beauchamp
Gila County Attorney
Paul B. Rubin, Deputy County Attorney
Bar ID#: 032341
1400 E. Ash Street
Globe, AZ 85501
Telephone: (928) 425-3231 ext. 8630
Facsimile: (928) 474-9066

Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF GILA

| | |
|---|---|
| STATE OF ARIZONA,<br><br>Plaintiff,<br><br>v.<br><br>SCOTT ADAM SURGENT,<br><br>Defendant. | No. CR2021-00219<br><br>**STATE'S NOTICE OF DISCLOSURE AND REQUEST FOR DISCLOSURE**<br><br>(HONORABLE TIMOTHY M. WRIGHT) |

THE STATE OF ARIZONA, through the Office of the Gila County Attorney, and pursuant to Rule 15 of the Arizona Rules of Criminal Procedure, hereby provides those matters discoverable, which may be used as evidence in the case-in-chief and as rebuttal evidence in the above-entitled case.

## I. STATE'S WITNESSES:

1. Officer M. Farren, Payson Police Department
2. Officer K. Bathke, Payson Police Department
3. Scott Andrews, Witness
4. Carol Weyland, Witness
5. Beth Cousland, Witness
6. Any custodian or records for any disclosed item or document
7. All Witnesses Noticed by Defense
8. Any individual named or referred to in the preliminary hearing transcript, grand jury transcript, police report(s), or other State's disclosure.

## II. CRIME/CRIME SCENE EVIDENCE:

1. Photographs and/or diagrams of crime scene
2. All physical evidence taken from the defendant

3. Any fingerprints, footprints, hairs, fibers, blood, bodily fluids, chemicals or other forensic evidence found as a result of the investigation of the crime and their analyses.
4. Any and all body camera or media.

## III. IDENTIFICATION EVIDENCE:

1. Any arrest/booking report or photograph of the defendant related to the charged offenses.
2. MVD records, prior conviction records, court records, DOC Prison Pack, probation and/or parole records, or any other records demonstrating a prior identification of the defendant.

## IV. DOCUMENT EVIDENCE:

| Bates # | Description |
|---|---|
| 001-005 | Payson Police Department Case Report Detail |
| 006-007 | Case/Incident Information Form |
| 008-012 | Officer K. Bathke's Narrative |
| 013-016 | Arrest/Booking Report/Release Questionnaire |
| 017 | Property for Safekeeping Receipt |
| 018 | Property Invoice |
| 019-020 | Handwritten Letter to "Beth & Family & Friends" from Scott Surgent |
| 021 | CBI Notice of In Custody Status |
| 022 | Victim Rights Form |

## V. OTHER EVIDENCE:

1. The State will use any of the Defendant's statements or any statements of co-defendants(s) whether to law enforcement officers, on tape, or otherwise which are summarized or alluded to in the disclosure materials, or which a transcript has been provided.
2. Any writing or recording of the defendant or witnesses.
3. Any object, representation of an object, thing, or document referred to in the defense disclosure or disclosed by the defense or used or referred to at trial by the defense.
4. Any grand jury, preliminary hearing, or deposition transcript.
5. Any object, representation of an object, thing, or document referred to in the preliminary hearing transcript, grand jury transcript, police report, or in any of the State's disclosure, including but not limited to:
    a. Any evidence arising out of Payson PD DR#2021-00005076.

Upon proper notice and appointment, all items will be made available for inspection and reproduction at the Gila County Attorney's Office, 1400 E. Ash, Globe, AZ. or 714 S. Beeline Highway, Suite 202, Payson, AZ, pursuant to Rule 15.1.

## VI. EXPERT WITNESSES

1. The State will use the testimony of any expert witness whose report is included in the disclosure materials, or who is otherwise mentioned in the disclosure materials

## VII. DEFENDANT'S PRIOR CONVICTIONS:

☐ None
☒ Unknown at this time; prior felonies will be filed when known.
☐ Known:

On or about **October 11, 2015** the defendant committed the crime of **Burglary in the Third Degree** and was convicted of that crime on **May 18, 2017** in the County of Maricopa, State of Arizona in cause number **CR2015-147605.**

## VIII. DEFENDANT'S PRIOR ACTS:

☐ Unknown at this time; will be disclosed when discovered.
☒ The State will use the acts referred to in the disclosure materials.
☐ Acts:

I certify that the foregoing disclosure required by Rule 15 of the Arizona Rules of Criminal Procedure was prepared by me and placed in the file of the above-named Defendant on 9/20, 2021.

Respectfully submitted this 20 day of September, 2021.

BRADLEY D. BEAUCHAMP
GILA COUNTY ATTORNEY

BY: _____
Paul B. Rubin, Deputy County Attorney

Copy mailed\delivered
9/20, 2021 to:
Phil Hineman
Attorney for Defendant

BY: _____

Filed on 10/28/2021 2:13:03 PM

**SUPERIOR COURT OF ARIZONA**
**GILA COUNTY**

**DATE: 10/25/2021**
**JUDGE: TIMOTHY M. WRIGHT**
**HEARD BY:**
**LOCATION: DIV II PAYSON**
**COURT REPORTER: NONE**
**☒ AUDIO RECORDING**

**ANITA ESCOBEDO**
**CLERK OF THE SUPERIOR COURT**
**BY: R BURKE, DEPUTY CLERK**

**MINUTE ENTRY**

| | |
|---|---|
| **STATE OF ARIZONA,** **Plaintiff,** | **CASE NO. S0400CR202100219** **☒ VICTIM CASE** |
| **VS.** | |
| **SCOTT SURGENT,** **Defendant.** | **Start time: 4:13 p.m.** **End time: 4:19 p.m.** |

**ORDER CONTINUING**

**APPEARANCES:** The State is represented by Mary Bystricky, Deputy County Attorney; Defendant is present with counsel, Phil Hineman.

This is the date set for Trial Setting Conference and possible Change of Plea.

Upon Court's inquiry, Mr. Hineman reports that the plea offer expires November 22, 2021 and request is made to reset with counsel to appear via Zoom. Discussion. After brief recess by Mr. Hineman to speak with Defendant and with no objection by Defendant and the State,

**IT IS ORDERED** continuing Trial Setting Conference and possible Change of Plea to **Monday, November 22, 2021, at 11:30 a.m., before the Honorable Timothy M. Wright, Division Two Payson.**

Time is deemed excluded between today's date and November 22, 2021.

The Court states that if a Change of Plea is taken at that hearing and all the appropriate paperwork is signed, Mr. Hineman may appear via Zoom with link to be sent out by separate email.

Defendant is admonished to be present for that hearing and is advised that failure to appear could result in the issuance of an arrest warrant. Defendant acknowledges an understanding of release conditions.

CC:
PHIL HINEMAN [em]

OFFICE DISTRIBUTION:
COUNTY ATTORNEY [em]
COURT ADMINISTRATION [em]
DIVISION TWO [em]
VICTIM ADVOCATE [em]

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
11/19/2021 11:50AM
BY: ECANEZ
DEPUTY

**LAW OFFICE OF PHIL HINEMAN, P.C.**
1910 S. Stapley Drive, Suite 221
Mesa, Arizona 85204
PHIL HINEMAN, #11887
602-977-2859 Phone
phineman@hineman.com
Attorney for Defendant

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| | Case No.: S0400CR202100219 |
| **STATE OF ARIZONA,** Plaintiff,<br><br>**SCOTT SURGENT,**<br><br>Defendant. | **MOTION TO CONTINUE TRIAL SETTING CONFERENCE**<br><br>**(NO OBJECTION)**<br><br>(Honorable Timothy M. Wright) |

**COMES NOW** Defendant, **SCOTT SURGENT,** by and through undersigned counsel, and respectfully moves to continue the Trial Setting Conference set on November 22, 2022 as the state has just provided additional and Mr. Surgent needs time to review the same. Deputy County Attorney, Paul Ruben, has been contacted and has no objection to this continuance so long as Defendant waives time. The Defendant waives any Rule 8 time limitations. This motion is made in good faith and not for the purpose of delay. Mr. Surgent requests this be reset for Monday, December 20, 2021.

**RESPECTFULLY SUBMITTED** this 18th day of November, 2021.

**LAW OFFICE OF PHIL HINEMAN, P.C.**

/s/ Phil Hineman
Phil Hineman
Attorney for Defendant

**ORIGINAL** of the foregoing efiled
This 18th day of November, 2021 to:

Clerk of the Court
Gila County Superior Court
efileaz@courts.az.gov

**COPY** of the foregoing emailed
This 18th day of November, 2021 to:

Honorable Timothy M. Wright
Judge of the Superior Court
vguadiana@courts.az.gov

Paul B. Rubin
Deputy County Attorney
Gila County Attorney's Office
714 S. Beeline Hwy, Ste 202
Payson, AZ 85541
prubin@gilacountyaz.gov

/s/Kathlyn Gibbs
Kathlyn Gibbs

Filed on 11/30/2021 11:21:24 AM

**SUPERIOR COURT OF ARIZONA**
**GILA COUNTY**

**DATE: 11/22/2021**
**JUDGE: TIMOTHY M. WRIGHT**
**HEARD BY:**
**LOCATION: DIV II PAYSON**
**COURT REPORTER: NONE**
**☒ AUDIO RECORDING**

**ANITA ESCOBEDO**
**CLERK OF THE SUPERIOR COURT**
**BY: M MILLER, DEPUTY CLERK**

**MINUTE ENTRY**

| | |
|---|---|
| **STATE OF ARIZONA,** **Plaintiff,** | **CASE NO. S0400CR202100219** **☒ VICTIM CASE** |
| **VS.** | |
| **SCOTT SURGENT,** **Defendant.** | Start time: 11:41 a.m.<br>End time: 11:42 a.m. |

**ORDER CONTINUING**

**APPEARANCES:** The State is represented by Paul Rubin, Deputy County Attorney.

This is the date set for Trial Setting Conference.

The Court notes that Mr. Hineman filed a motion to continue. The State does not object.

**ORDERED** continuing Trial Setting Conference to **Monday, December 20, 2021, at 3:45 p.m., before the Hon. Timothy M. Wright, Division Two Payson.**

If no change of plea is entered at that hearing, this matter may be set for trial.

CC:
PHIL HINEMAN [em]

OFFICE DISTRIBUTION:
COUNTY ATTORNEY [em]
COURT ADMINISTRATION [em]
VICTIM ADVOCATE [em]

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
12/06/2021 5:02PM
BY: DAROCHA
DEPUTY

**LAW OFFICE OF PHIL HINEMAN, P.C.**
1910 S. Stapley Drive, Suite 221
Mesa, Arizona 85204
PHIL HINEMAN, #11887
602-977-2859 Phone
phineman@hineman.com
Attorney for Defendant

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **STATE OF ARIZONA,** Plaintiff,<br><br>**SCOTT SURGENT,**<br><br>Defendant. | Case No.: S0400CR202100219<br><br>**MOTION TO ALLOW FOR OUT OF STATE TRAVEL**<br><br>**(NO OBJECTION)**<br><br>(Honorable Timothy M. Wright) |

**COMES NOW** Defendant, **SCOTT SURGENT,** by and through undersigned counsel, and by and through undersigned counsel, and pursuant to ARCP Rule 7.3, respectfully requests the terms of his release be modified to allow Mr. Suregent to travel out of state to Henderson, Nevada from December 11, 2021 to December 18, 2021. The purpose of this travel is to visit his elderly Father for Christmas vacation. Deputy County Attorney Paul Rubin has been contacted and has no objection to this motion as long as Mr. Surgent maintains all other terms of his pretrial release conditions. Accordingly, Mr. Surgent respectfully requests to be allowed to travel to Henderson, Nevada from December 11, 2021 and return on December 18, 2021.

Currently, Mr. Surgent's release conditions require him to obtain approval for any travel outside of Arizona. Mr. Surgent respectfully requests this Honorable Court

modify his release conditions allowing him to travel outside of Arizona to visit his elderly Father from December 11, 2021 to December 18, 2021. This motion is made in good faith.

**RESPECTFULLY SUBMITTED** this 6th day of December, 2021.

**LAW OFFICE OF PHIL HINEMAN, P.C.**

/s/ Phil Hineman
Phil Hineman
Attorney for Defendant

**ORIGINAL** of the foregoing efiled
This 6th day of December, 2021 to:

Clerk of the Court
Gila County Superior Court
efileaz@courts.az.gov

**COPY** of the foregoing emailed
This 6th day of December, 2021 to:

Honorable Timothy M. Wright
Judge of the Superior Court
vguadiana@courts.az.gov

Paul B. Rubin
Deputy County Attorney
Gila County Attorney's Office
714 S. Beeline Hwy, Ste 202
Payson, AZ 85541
prubin@gilacountyaz.gov

/s/Cyra Valdez
Cyra Valdez

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
12/09/2021 4:51PM
BY: ARUTLEDGE
DEPUTY

**LAW OFFICE OF PHIL HINEMAN, P.C.**
1910 S. Stapley Drive, Suite 221
Mesa, Arizona 85204
PHIL HINEMAN, #11887
602-977-2859 Phone
phineman@hineman.com
Attorney for Defendant

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **STATE OF ARIZONA,** Plaintiff,<br><br>**SCOTT SURGENT,**<br><br>Defendant. | Case No.: S0400CR202100219<br><br>**ORDER RE: MOTION TO ALLOW FOR OUT OF STATE TRAVEL**<br><br>**(NO OBJECTION)**<br><br>(Honorable Timothy M. Wright) |

Based on good cause appearing and no objection by the State,

**IT IS THEREFORE ORDERED** allowing defendant, SCOTT SURGENT, to travel to Henderson, Nevada from December 11, 2021 to December 18, 2021. The Defendant is to maintain compliance with his other terms of release while out of state. The Defendant shall return to Arizona no later than December 18, 2021, unless otherwise approved by the Court.

eSigned by Wright, Timothy 12/09/2021 16:08:19 3zJO3hPb

HON. TIMOTHY M. WRIGHT
JUDGE OF THE SUPERIOR COURT

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
12/17/2021 12:44PM
BY: SHGARCIA
DEPUTY

**LAW OFFICE OF PHIL HINEMAN, P.C.**
1910 S. Stapley Drive, Suite 221
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602-977-2859 Phone
phineman@hineman.com
Attorney for Defendant

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| | Case No.: S0400CR202100219 |
| **STATE OF ARIZONA,** Plaintiff,<br><br>**SCOTT SURGENT,** Defendant. | **MOTION TO CONTINUE TRIAL SETTING CONFERENCE TO JANUARY 10, 2022**<br><br>**(NO OBJECTION)**<br><br>(Honorable Timothy M. Wright) |

**COMES NOW** Defendant, **SCOTT SURGENT,** by and through undersigned counsel, and respectfully moves to continue the Trial Setting Conference set on December 20, 2021 as the State has just made additional discovery available (due to the required redactions of the videos taking longer than expected). Undersigned counsel and Mr. Surgent need time to review the videos which are not yet in their possession. Deputy County Attorney, Paul Ruben, has been contacted and has no objection to this continuance so long as Defendant waives time. Further, the State has extended the deadline to accept the plea agreement to January 10, 2021. The Defendant waives any Rule 8 time limitations.

WHEREFORE, Mr. Surgent requests the Trial Setting Conference be continued to January 10, 2022. This motion is made in good faith and not for the purpose of delay.

**RESPECTFULLY SUBMITTED** this 17th day of December, 2021.

**LAW OFFICE OF PHIL HINEMAN, P.C.**

/s/ Phil Hineman
Phil Hineman
Attorney for Defendant

**ORIGINAL** of the foregoing efiled
This 17th day of December, 2021 to:

Clerk of the Court
Gila County Superior Court
efileaz@courts.az.gov

**COPY** of the foregoing emailed
This 17th day of December, 2021 to:

Honorable Timothy M. Wright
Judge of the Superior Court
vguadiana@courts.az.gov

Paul B. Rubin
Deputy County Attorney
Gila County Attorney's Office
714 S. Beeline Hwy, Ste 202
Payson, AZ 85541
prubin@gilacountyaz.gov

/s/Cyra Guerrero
Cyra Guerrero

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
12/17/2021 2:53PM
BY: SHGARCIA
DEPUTY

**LAW OFFICE OF PHIL HINEMAN, P.C.**
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phineman@hineman.com
Attorney for Defendant

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **STATE OF ARIZONA,** Plaintiff,<br><br>**SCOTT SURGENT,**<br><br>Defendant. | Case No.: S0400CR202100219<br><br>**ORDER RE:MOTION TO CONTINUE TRIAL SETTING CONFERENCE TO JANUARY 10, 2022**<br><br>(Honorable Timothy M. Wright) |

Based on good cause appearing and no objection by the State,

**IT IS HEREBY ORDERED** continuing the December 20, 2021 Trial Setting Conference and possible Change of Plea until **Monday, January 10, 2022, at 4:15 p.m., before the Honorable Timothy M. Wright, in Division Two, Globe.**

**SO ORDERED** this 17th day of December, 2021.

eSigned by Wright, Timothy 12/17/2021 13:52:04 GW7PMBu8

Honorable Timothy M. Wright

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
01/03/2022 5:23PM
BY: DAROCHA
DEPUTY

Aaron J. Reed (SBA: 033120)
**CATES & GARVEY, PLC**
2111 East Highland Ave., Suite B135
Phoenix, Arizona 85016
Telephone (480) 905-3117
Fax (480) 905-3166
info@catesgarvey.com

Attorneys for Defendant

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| STATE OF ARIZONA,<br>Plaintiff,<br>v.<br>SCOTT SURGENT,<br>Defendant. | **Case No.: S-0400-CR-202100219**<br><br>**STIPULATION FOR SUBSTITUTION OF COUNSEL** |

COMES NOW, Aaron J. Reed and Cates & Garvey, PLLC and Phil Hineman and Law Offices of Phil Hineman, PC, pursuant to Rule 6 of the Arizona Rules of Criminal Procedure hereby request that Aaron J. Reed and Cates & Garvey, PLLC be substituted as attorney of record for Scott Surgent, in the above-captioned matter and that Phil Hineman be relieved of representation of Defendant.

Aaron J. Reed and Cates & Garvey, PLLC have been apprised of all pending Court dates and is aware that the plea offer expires at the next setting of January 10, 2022.

DATED this 3rd day of January, 2022.

CATES AND GARVEY, PLLC

Aaron J. Reed

Scott A. Surgent
ID W3dVVLUZvYtLcEoKIfqb4V

Scott Surgent

LAW OFFICES OF PHIL HINEMAN, PC

/s/ Phil Hineman w/permission

Phil Hineman

RESPECTFULLY SUBMITTED this 3rd day of January, 2022.

CATES & GARVEY, PLC

/s/ Aaron J. Reed
Aaron J. Reed
Attorney for Defendant

Original of the foregoing to be e-filed this 3rd day of January, 2022, to:

Clerk, Gila County Superior Court
1400 E. Ash Street, 3rd Floor
Globe, AZ 85501

Copy of the foregoing to be emailed this 3rd day of January, 2022, to:

Honorable Timothy M. Wright
Gila County Superior Court
vguadiana@courts.az.gov

Gila County Attorney
1400 E Ash Street
Globe, AZ 85501
attorney@gilacountyaz.gov

Phil Hineman
Law Offices of Phil Hineman, PC
1910 S. Stapley Dr., #221
Mesa, AZ 85204
phineman@hineman.com

By /s/ B. Martin

Filed on 1/20/2022 10:56:50 AM

**SUPERIOR COURT OF ARIZONA**
**GILA COUNTY**

**DATE: 01/10/2022**
**JUDGE: TIMOTHY M. WRIGHT**
**HEARD BY:**
**LOCATION: DIV II GLOBE**
**COURT REPORTER: NONE**
**☒ AUDIO RECORDING**

**ANITA ESCOBEDO**
**CLERK OF THE SUPERIOR COURT**
**BY: R BURKE, DEPUTY CLERK**

**MINUTE ENTRY**

| | |
|---|---|
| **STATE OF ARIZONA,** **Plaintiff,** | **CASE NO. S0400CR202100219** **☒ VICTIM CASE** |
| **VS.** | |
| **SCOTT SURGENT,** **Defendant.** | **Start time: 4:27 p.m.** **End time: 4:37 p.m.** |

## CHANGE OF PLEA HEARING

**APPEARANCES:** The State is represented by Diana Kanon, Deputy County Attorney, on behalf of Paul Rubin; Defendant is present with counsel, Aaron Reed; victim appearing via Zoom.

This is the date set for Trial Setting Conference and possible Change of Plea.

Parties inform the Court they have reached an agreement. Plea Agreement is filed at this time.

Defendant states a desire to enter a plea of guilty.

Defendant is advised of the range of possible sentence for the offense, and the possibility of deportation if not a United States Citizen. Defendant is also advised of the constitutional rights that are waived by entering into a plea agreement, including the right of appeal.

Defendant indicates an understanding of the consequences of entering into a plea agreement and enters a plea of guilty to the offense as set forth in the Plea Agreement. The Court finds the plea is made knowingly, voluntarily, and intelligently, and not the result of force, threats, or promises, and that there is a factual basis for the plea. The plea is accepted and entered of record. Acceptance of the terms of the plea agreement is deferred until time of sentencing.

State confirms compliance with Victim's Rights.

The Court addresses victim re rights to be present at future hearings.

**IT IS ORDERED** setting Sentencing for **Monday, February 7, 2022 at 4:15 p.m., before the Honorable Timothy M. Wright, Division Two Payson.**

**FURTHER ORDERED** that the Probation Department prepare a Presentence Report with Defendant directed to meet with Probation before leaving the courthouse this date.

Defendant's conditions of release shall continue.

Defendant is admonished to be present for sentencing and advised that failure to appear will result in the issuance of an arrest warrant and other sanctions including forfeiture of any appearance bond and the filing of additional criminal charges.

CC:
AARON J. REED [em]

OFFICE DISTRIBUTION:
COUNTY ATTORNEY [em]
COURT ADMINISTRATION [em]
PROBATION DEPARTMENT [em]
VICTIM ADVOCATE [em]

**BRADLEY D. BEAUCHAMP, GILA COUNTY ATTORNEY**

**Paul B. Rubin**
**Deputy County Attorney**
**AZ State Bar: 032341**
**714 S. Beeline Hwy, Ste. 202**
**Payson, Arizona 85541**
**PH: (928) 474-7122**
**Email: prubin@gilacountyaz.gov**
**Attorney for the State**

FILED
AT 4:37 P.M
JAN 10 2022
ANITA ESCOBEDO, CLERK
BY _____ DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **STATE OF ARIZONA,** | |
| **Plaintiff,** | **CR 2021-219** |
| **vs.** | |
| **SCOTT SURGENT,** | **PLEA AGREEMENT** |
| **Defendant.** | |

The State of Arizona and the Defendant hereby agree to the following disposition of this case:

**PLEA:** The Defendant agrees to plead **guilty** to the crime(s) of:

**COUNT 1 (AMENDED): DISCORDERLY CONDUCT WITH A WEAPON**, a non-dangerous, non-repetitive class 6 undesignated felony, in violation of A.R.S. 13-2904(A)(6), 13-604, 13-607, 13-701, 13-702, 13-707, 13-801, 13-802, 13-821, 13-901, 13-902, 12-114.01, 12-116.01, 12-116.02, occurring on or between March 9, 2021 and May 9, 2021.

1. **TERMS:** On the following understanding, terms and conditions:

A **non-dangerous, non-repetitive class 6 felony** carries a presumptive term of imprisonment of 1 year, a minimum term of .5 years, a maximum term of 1.5 years, a mitigated term of .33 years, and an aggravated term of 2 years. The maximum fine that may be imposed is $150,000 plus the applicable surcharge. **PROBATION IS AVAILABLE**

A **class 1 misdemeanor** carries of up to six (6) months jail, up to three (3) years' probation, and/or a fine of up to $2,500.00 plus the applicable surcharge.

Restitution of economic loss to the victim under A.R.S. §13-603 shall be ordered. If the Defendant is sentenced to a term of imprisonment, the Court shall order the Arizona Dept. of Corrections to withdraw up to fifty percent (50%) of the monies available from the prisoners spendable account, trust fund or retention account pursuant A.R.S. §§31-230(C) & 31-261(D) for the purposes of restitution. Waiver of extradition for probation revocation procedures are required.

If the Defendant is sentenced to prison, the Defendant shall also be sentenced to serve a term of community supervision equal to one-seventh of the prison term to be served consecutively to the actual period of imprisonment. If the Defendant fails to abide by the conditions of community supervision, the Defendant can be required to serve the remaining term of community supervision in prison.

Special conditions regarding the sentence imposed by statute (if any) are: Pursuant to A.R.S. § 13-610, the defendant shall submit to DNA testing for law enforcement identification purposes. In addition to any other fine or assessment, the Defendant shall be ordered to pay the A.R.S. §§12-116.01 and 12-116.02 penalty assessment.

2. **The parties stipulate to the following additional terms, subject to court approval at the time of sentencing as set forth in section 8:**

   A. **Defendant shall be placed on eighteen (18) months supervised probation.**
      a. **Terms and Conditions of Probation shall include, but are not limited to, the following:**

         i. **Defendant shall abide by mental health terms and conditions, which shall include entering and regularly attending mental health counseling and/or therapy sessions. Defendant shall locate a licensed mental health professional he is comfortable with. The chosen mental health professional shall be approved by Adult Probation.**

         ii. **Defendant shall participate in relationship counseling at the discretion of Adult Probation. This term and condition may be satisfied if Defendant's mental health counseling and/or therapy (see paragraph 2(A)(a)(i) above) already assists Defendant with engaging in health relationships and communication.**

         iii. **Defendant shall not possess any deadly weapons or dangerous instruments;**

   B. Defendant agrees the offense shall remain undesignated until he is successfully discharged from probation.

   C. The Defendant **shall pay a $750 Cost of Prosecution assessment** to the State.

3. **The parties agree that the following charges will be dismissed, or if not yet filed, will be not be brought against the Defendant:**

   - **Any remaining counts.**

4. **AMENDMENT TO CHARGING DOCUMENT:** This agreement, unless rejected or withdrawn, serves to amend the complaint, indictment, or information to charge the offense to which the Defendant pleads without the filing of any additional pleading.

5. **ACCEPTANCE OF PLEA, REJECTION, REVOCATION, WITHDRAWAL OF PLEA:** The parties agree that the Court may accept this plea agreement at the time of the Defendant's plea. The State's participation in this plea agreement is conditional upon the Court's acceptance of the plea at the time of the sentencing. If, after accepting the plea, the Court concludes that any of the terms or provisions of this agreement are unacceptable, both parties shall be given the opportunity to withdraw from the agreement, or the Court can reject the agreement. This agreement is conditional upon the Defendant's representation that this document bears Defendant's true name and that Defendant has no felony convictions other than those described in the terms of this agreement. Should either of these representations be inaccurate, the Court may reject the agreement or the State may withdraw from the agreement. The Defendant agrees that the State may withdraw from this Agreement should the Defendant be charged with or commit a crime between the time of this agreement and the time of sentencing in this cause. Should the Court reject this agreement, or the State withdraw from the agreement, the Defendant hereby waives all claims of double jeopardy.

6. **WAIVER OF PROBABLE CAUSE:** If the Defendant is charged with a felony, he/she hereby gives up his/her right to a preliminary hearing or other probable cause determination on the charge(s) to which he/she pleads. In the event the Court rejects the plea, or the Defendant withdraws the plea, the Defendant hereby gives up his/her right to a preliminary hearing or other probable cause determination on the original charge(s).

7. **WAIVER OF PRETRIAL MOTIONS/ISSUES:** Unless the plea is rejected or withdrawn, the Defendant hereby gives up any and all motions, defenses, objections, appeals or requests he/she has made or raised or could assert hereafter, to or against any matters preceding the Court's entry of judgment and imposition of sentence.

8. **WAIVER OF RIGHTS & CONSENT TO JUDICIAL FACT-FINDING:** The Defendant understands the following rights and understands that he/she gives up such rights by pleading **guilty:**

   a. his/her right to a jury trial which includes any jury determination of aggravating factors beyond a reasonable doubt. The defendant consents to a judicial fact-finding by a preponderance of the evidence as to any aspect or enhancement of sentence and that in making the sentencing determination, the court is not bound by the rules of evidence.
   b. his/her right to confront the witnesses against him/her and cross-examine them;
   c. his/her right to present evidence and call witnesses in his/her defense, knowing that the State will compel witnesses to appear and testify;
   d. his/her right to be represented by counsel (appointed free of charge if he/she cannot afford to hire his/her own) at trial of the proceedings; and
   e. his/her right to remain silent, to refuse to be a witness against himself/herself, and to be presumed innocent until proven guilty.

9. **WAIVER OF RIGHT TO APPEAL AND REFILING:** By entering into this agreement, the Defendant waives and gives up the right to appeal pursuant to A.R.S. §13-4033(8). If this plea agreement is rejected by the Court, withdrawn by either party, or if the conviction is subsequently reversed, the State is relieved of the obligations previously enumerated under subdivision 2 of this agreement dealing with the dismissal of pending charges and other charges not yet filed. Such pending charges dismissed as a result of this agreement shall be reinstated at the request of the State and the State shall be free to file any charges not yet filed as of the date of this agreement.

10. **FORFEITURE ACTION NOT AFFECTED:** Nothing in this plea agreement shall be construed to affect the outcome of any forfeiture action: (1) instituted by any state or political subdivision thereof or the United States government or any department or agency thereof; (2) arising out of or connected with the facts of this action, unless (3) a statute expressly provides to the contrary. There has been no agreement or understanding, express or implied, concerning such a proceeding pending, or which could be filed, unless expressly stated to the contrary herein.

11. **NO OTHER AGREEMENTS:** This written plea agreement contains all the terms and conditions of this plea agreement; and the Defendant understands that any promises made by anyone, including his/her attorney, that are not contained within this written plea agreement, are without force and effect, and are null and void. Any prediction or promise as to what the possible sentence will be is understood to be voided by this agreement.

12. **FAILURE TO APPEAR AT SENTENCING:** If the Defendant fails to appear for sentencing, the Court may disregard the stipulated sentence and impose any lawful sentence which is the same as or exceeds the stipulated sentence in the plea agreement.

13. **DEFENDANT'S AVOWALS:** I, the undersigned Defendant, **avow that I have ZERO prior felony conviction(s) and was not on probation or parole at the time of the offense.**

Further, I, the undersigned Defendant, avow that I am not on or under the influence of any drug, medication, liquor or other intoxicant, and I am at this time fully capable of understanding the terms and conditions of this plea agreement. My agreement and plea are not the result of force, threats, assurances or promises other than those which are contained in writing in this agreement. I, the undersigned Defendant, have read this agreement with the assistance of counsel, understand its terms, understand the rights I give up by pleading **GUILTY** in this matter, and agree to be bound according to the provisions herein. I fully understand that if, as part of this plea bargain, I am granted probation by the Court, the terms and conditions thereof are subject to modification at any time during the period of probation in the event that I violate any written condition of my probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I consent to a judicial fact-finding in the determination of a sentence as set forth in my waiver of rights under Section 8.

Jan 10, 2022 _____
Date Defendant

I have discussed this case with my client in detail and advised him/her of his/her constitutional rights and all possible defenses. I believe my client understands this plea agreement including the range of sentence he/she faces and the constitutional rights he/she gives up by entering into this agreement. I believe the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

1/10/2022 _____
Date Defense Counsel

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

1/10/22 Diana L. Kanan for
Date Prosecutor

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
02/01/2022 4:20PM
BY: MLEDBETTER
DEPUTY

**Defendant: Scott Surgent**
**Sentencing Date: February 7, 2022**

**STATE OF ARIZONA**
**COUNTY OF GILA**
**ADULT PROBATION DEPARTMENT**
**PRESENTENCE INVESTIGATION**

Date of Report: February 1, 2022
Probation Officer: Kathy Joerns

| | | | |
|---|---|---|---|
| **Defendant:** | Scott Adam Surgent | **CR:** | 202100219 |
| **Birth Name:** | Scott Adam Surgent | **Sentencing Judge:** | Timothy M. Wright |
| **DOB (Age):** | 06/04/1967 (54) | **Division:** | II |
| **Address:** | 1750 S Price Rd #152 | **Prosecuting Attorney:** | Paul Rubin |
| | Tempe, Arizona 85281 | **Defense Attorney:** | Aaron Reed |
| **Phone:** | 480-363-4702 | **Custody Status:** | Own Recognizance |
| **Identification:** | Not provided | **Citizenship Status:** | United States |

§13-901.01 Offense: ☐ 1st ☐ 2nd ☒ Ineligible

**OFFENSE SUMMARY:**

The following is a summary taken from the Payson Police Department DR#2021-5076.

On May 9, 2021, the Payson Police Department conducted a welfare check on Beth Cousland and her husband, Scott Surgent after Beth's family members were concerned for her safety. It was reported Scott Surgent suffered with ongoing mental health issues and threatened Beth with a gun. They also said Beth found a murder-suicide note he had written to include self-harm to himself and Beth.

Upon arrival at the home, Beth Cousland was contacted and questioned. Beth said during the course of her 18-year marriage to Scott, he was very controlling. She went on to say he suffered from long-term mental health issues to which he refused to get treatment. Scott was suicidal and depressed. She further disclosed that over the last six months, Scott pointed a firearm at her on eight occasions. The last occurred when she awoke from a nap. She found Scott standing over her with a handgun pointed at her torso. Although Beth had become accustomed to Scott's behavior, she was concerned for her safety. Through further discussions, Beth said she was financially dependent on Scott and was concerned how she would support herself.

Mr. Surgent was also at the residence and questioned. He admitted to suffering from depression and had suicidal ideation, but never acted on the thoughts. He said he had written letters to resolve those feelings, but denied he had any intentions of harming his wife. When asked if pointed a gun at Beth, he was unable to recall. Three firearms were located along with two letters. Neither of the letters referenced harm to others, rather it detailed Scott's despair and hatred toward himself. Scott Surgent was booked into custody for the charge of Aggravated Assault / Domestic Violence.

cc: Judge
Clerks
Defense Atty
County Atty
Probation
Date 2-1-22

**DEFENDANT'S STATEMENT:**

The Defendant declined to provide a formal statement.

**VICTIM'S STATEMENT:**

Beth Cousland was notified of the Defendant's status before the Court. Unfortunately, victim input was not received at the time of the filing of this report. Should the victim contact this writer prior to sentencing, a supplemental report will be submitted.

**CRIMINOGENIC ASSESSMENT:**

Based on the Offender Screening Tool (OST) Assessment, the following areas listed in the Strengths category indicate factors that are not issues and represent as strengths in the Defendant's life. The areas listed in the Potential Issues and Major Risk Factors categories indicate criminogenic risk factors, placing this individual at greater risk to reoffend.

**Risk Level: Low**

**STRENGTHS**

| DOMAIN | DESCRIPTION |
|---|---|
| **Physical/Medical Health** | *Sound physical health:*<br>• Please refer to the confidential section of this report. |
| **Vocational/Financial Management** | *Full time employment and/or retired. Able to meet financial obligations:*<br>• Since August 1994, Mr. Surgent has been employed as a full-time Principal Lecturer in Mathematics at Arizona State University. As a result of his arrest, Mr. Surgent has been temporarily reassigned to a position to redesign courses.<br>• From 1998 until August 2020, Mr. Surgent was employed as a part-time Online Instructor at Rio Salado College.<br>• Mr. Surgent is financially stable. He relies upon his monthly wages of $7,500.00 for financial support. Additionally, he receives royalties for a calculus textbook he co-authored ten years ago. This book is in circulation nationwide. The royalties vary from year to year, but he generally receives $80,000.00 a year.<br>• Mr. Surgent and his wife have been living separately since May 2021. As his wife is disabled, he supports her financially. Their combined monthly expenses were placed at $5,000.00. |
| **Education** | *Satisfactory – no significant learning disabilities or special education; HS, GED or above:*<br>• The Defendant is a high school graduate. |

| | |
|---|---|
| | • In 1987, Mr. Surgent attended an Exchange and Study Abroad Program through the Australian National University in Canberra, Australia.<br>• From the University of California, Mr. Surgent earned a Bachelor's Degree in Mathematics in 1989 and a Master's Degree in Mathematics in 1992. |
| **Family/Social Relationships** | *Stable/Supportive family network; no abuse. Generally positive associations with non-offenders:*<br>• The Defendant was raised in Azusa, California by his biological parents. He was brought up in a stable, loving and supportive home environment.<br>• Maintains a supportive relationship with his family. As his mother is suffering with cognitive issues, she resides in a memory care facility. Moreover, his father's health is ailing. Due to this situation, he and his siblings alternate weeks to spend quality time with their father as well as to ensure he is taking proper care of himself. As his parents reside in Nevada, he is aware he will need to make arrangements through probation to obtain a travel permit.<br>• For the last 18 years, Mr. Surgent has been married to Beth Cousland. Mr. Surgent deeply loves and cherishes his wife. He is committed to his marriage.<br>• In the early part of Mr. Surgent's marriage, his wife began to suffer with a debilitating health condition that caused her significant pain. It took several years to finally receive a diagnosis. Although his wife is relatively functional, there are times when she is incapacitated. This has posed a strain on their marriage as he has been her primary caregiver. Nevertheless, following his arrest, they determined it was in their best interest to live separately. They communicate regularly and visit each other. They are gradually rebuilding their marriage and working toward reunification, although they do not have a definitive timeline when they will live together. A key component through this healing process has been individual counseling. When they are prepared to move toward reunification, they plan to pursue marriage counseling.<br>• Positive support system. |
| **Residence and Neighborhood** | *Self sufficient, stable environment:*<br>• Positive, stable living arrangement. |
| **Alcohol Use/Abuse** | *None or social use only:*<br>• The Defendant has been sober for the last 20 years. |
| **Drug Use/Abuse** | *No current use; only experimentation:*<br>• History of experimental marijuana use. |
| **Attitude/Criminal Thinking** | *Pro-social behaviors. Motivated to improve life:*<br>• Mr. Surgent accepted responsibility for his misconduct, but declined to discuss the particulars of this crime at the direction of his attorney. |

| | |
|---|---|
| | • Mr. Surgent identified his arrest as a blessing in disguise. He was able to recognize he neglected his physical, emotional and mental well-being. These factors also caused immeasurable harm to his wife. As a result of this situation, Mr. Surgent and his wife determined in was in their best interest to separate, amicably. He also reengaged with services and was placed on a prescription regimen. These services have been highly beneficial to his personal growth and well-being.<br>• Mr. Surgent would like the Court to be aware he is not a violent person, he has never been in trouble with the law and would never put his wife in harm's way. While facing the repercussion of his actions has been a difficult process for him, it has literally saved his life. |

## POTENTIAL ISSUES

| DOMAIN | DESCRIPTION |
|---|---|
| **Mental Health** | *Mental health issues that have been or are being treated:*<br>• Please refer to the confidential section of this report. |
| **Criminal Behavior** | *Some criminal history, including juvenile referrals; increasing seriousness of crimes; violent offense:*<br>• No prior criminal history.<br>• Seriousness of the crime. |

**OTHER LEGAL STATUS OR DETAINERS:**

Not applicable.

**CRIMINAL BEHAVIOR:**

Please refer to the confidential section of this report.

**MINIMUM STATUTORY REQUIREMENTS:**

| | | |
|---|---|---|
| A.R.S. §13-2904 | Disorderly Conduct with a Weapon | Felony 6 |
| • Not applicable | | |

**SENTENCE RANGE:**

| Class | First Offense | | |
|---|---|---|---|
| | Minimum | Presumptive | Maximum |
| 6 | (.33) .5 | 1 | 1.5 (2) |

The probation range for a class 6 felony is up to 3 years.

**MITIGATING FACTORS:**

- No prior felony convictions.
- Involvement in counseling.
- Educated.
- Gainfully employed.
- Remorseful.
- Mental health.

**AGGRAVATING FACTORS:**

- The victim suffered physical, emotional or financial harm.

**PLEA STIPULATIONS:**

- The Defendant shall be placed on eighteen (18) months supervised probation.
- Defendant shall abide by mental health terms and conditions which shall include entering and regularly attending mental health counseling and/or therapy sessions. Defendant shall locate a licensed mental health professional he is comfortable with. The chose mental health professional shall be approved by Adult Probation.
- Defendant shall participate in relationship counseling at the discretion of Adult Probation. This term and condition may be satisfied if Defendant's mental health counseling and/or therapy (see paragraph 2(A)(a)(i) above) already assists Defendant with engaging in healthy relationships and communication.
- Defendant shall not possess any deadly weapons or dangerous instruments.
- Defendant agrees the offense shall remain undesignated until he is successfully discharged from probation.
- The Defendant shall pay a $750.00 Cost of Prosecution assessment to the State.

**Other Charges Dismissed:**

- Any remaining counts.

**JAIL INFORMATION:**

- The Defendant is out of custody on his own recognizance.

| CR | DAYS as of Sentencing Date |
|---|---|
| 202100219 | 05-09-2021 to 05-10-2021 = 2 days |

**EVALUATION:**

Appearing before the Court for sentencing is 54-year-old Scott Surgent. As depicted in this crime, the rapid decline in Mr. Surgent's behavioral health not only resulted in the devastating effects of emotional distress and trauma to Ms. Cousland, but endangered her life. Consequently, Mr. Surgent has been estranged from this marriage for the last nine months. This healing separation has and continues to afford Mr. Surgent and his wife the opportunity to reflect, develop personal growth and mend the broken parts of their marriage so they can reunify as two healthy people. It is also noteworthy with ongoing therapeutic intervention, his behavioral health has significantly improved; he is lucid and responding to his current medication regimen. Continuing these services would be an essential component for his success on probation. Standard probation assessments identified Mr. Surgent to be at low-risk to recidivate due to the many pro-social strengths in his life to include a positive attitude, positive support system, family support, stability and gainful employment. Given these details, a term of community supervision is the most appropriate sentence.

**RECOMMENDATION:**

**THEREFORE**, it is respectfully recommended that in...

| CR | COUNT | OFFENSE | DATE | CLASS |
|---|---|---|---|---|
| 202100219 | Amended Count One | Disorderly Conduct with a Weapon | March 9, 2021 and May 9, 2021 | A class 6 undesignated felony |

sentence be suspended, and the Defendant be granted probation under the Uniform Conditions of Supervised Probation for a period not to exceed **18** months.

**IT IS FURTHER RECOMMENDED** that...

- the Defendant pay:

| | |
|---|---|
| 20.00 | Time Payment Fee |
| 20.00 | Probation Assessment |
| 13.00 | Assessment §12-116.04 *(offenses committed on or after 07-20-2011)* |
| 9.00 | Assessment §12-116.08 *(offenses committed on or after 01-01-2019)* |
| 2.00 | Assessment §12-116.09 *(offenses committed on or after 01-01-2015)* |
| 750.00 | Cost of Prosecution |
| **$ 814.00** | **TOTAL** |

to be paid in monthly payments of at least **$35.00**, beginning **March 1, 2022** and until paid in full;

- the Defendant pay a **$65.00** monthly probation service fee beginning **March 1, 2022;**

- the Defendant abide by Mental Health Terms;
- the Defendant participate in Relationship Counseling, as directed by the Probation Officer;
- the Defendant shall not possess any deadly weapons or dangerous instruments.

Respectfully submitted,

By: */s/ Kathy Joerns*
Deputy Probation Officer

Reviewed by: /s/ Daniel Lowe
Probation Manager

ASU School of Mathematical and Statistical Sciences
Arizona State University

December 9, 2021

**Character Reference for Mr. Scott Surgent**

To whom it may concern,

My name is Al Boggess and I am a professor of mathematics and the former director of the School of Mathematical and Statistical Sciences (SoMSS) at Arizona State University (2012-2020). Mr. Scott Surgent, Principal Lecturer at SoMSS, asked me to write character reference letter on his behalf and I am most happy to do so. I have known Mr. Surgent since I arrived at ASU in 2012. During my tenure as director, Mr. Surgent served as Assistant Director and Coordinator for lower division mathematics and I was his direct supervisor.

The assistant director position is in charge of assigning faculty to lower division classes, coordinating large multi-section courses, implementing curriculum changes, and resolving faculty-student conflicts. This is a difficult and complex job that involves hundreds of sections of math classes which serve over 50,000 enrollments per year. Mr. Surgent did an outstanding job of carrying out these duties on top of teaching is own classes. In particular, he knew the strengths and weaknesses of the sixty lecturers working for SoMSS better than anyone else and he had great instincts on how to schedule their teaching assignments to maximize their effectiveness for the benefit of the enormous number of students taking math and statistics classes at ASU. In addition, he effectively resolved many student-teacher conflicts and only a small percentage of these cases were ever appealed to me or the upper administration.

Naturally, Mr. Surgent's duties required access to sensitive student and faculty FERPA protected data records. Mr. Surgent handled this information with the utmost discretion and carefully followed all University protocols. In addition, Mr. Surgent had an excellent rapport with both students and faculty. He treated everyone with the utmost respect and honesty.

In summary, I give Mr. Surgent my highest praise with regard to his integrity and work ethics. I would be glad to answer any follow-up questions you may have with regard to this letter.

Sincerely,

Al Boggess,
Professor of Mathematics and Former Director of the School of Mathematical and Statistical Sciences, Arizona State University

**School of Mathematical and Statistical Sciences** | The College of Liberal Arts and Sciences
Charles Wexler Hall | 901 South Palm Walk | PO Box 871804 | Tempe, AZ 85287-1804
**phone: 480 965 3951 | web: math.asu.edu**

ASU School of Mathematical & Statistical Sciences
ARIZONA STATE UNIVERSITY

December 4, 2021

To Whom It May Concern:

This is a character reference for Mr. Scott Surgent. I met Mr. Surgent in the fall of 1998, when I began work at Arizona State University. I have known him for 23 years. Mr. Surgent worked alongside me as a lecturer in what was then Mathematics Department, now called SoMSS (School of Mathematics and Statistical Sciences) until he was promoted to the Director of First Year Math.

In that time frame, we have observed one another's classes, sat alongside one another on numerous committees and in a multitude of departmental meetings. I can say without hesitation that Mr. Surgent is an exceptional educator, one that comes along so infrequently you stop to pause to admire his character. His work ethic is extraordinary, his integrity intact and moreover, he possesses unparalleled insight into mathematics. His is dually respected by both myself and colleagues.

There are many times I have gone to Scott with questions, advice or direction and in every instance, he provided the insight I needed. I would stop by his office unannounced with a question, and he would stop what he was doing and address the question for 5 minutes or one hour, what it took to answer my question.

At meetings with a network of faculty, chairs and deans present, Mr. Surgent offered keen insight on diverse topics that we face every day, including student issues, procedural issues or ethical issues. His word was respected by all and we relied on it.

In the classroom, he was a phenomenal teacher. Students seemed to love this teaching style and were quite comfortable both posing and answering his questions.

In short, I state without hesitation that his integrity is intact, his character is to be admired and it needs to be mentioned, he demonstrates this with a quiet enthusiasm and congeniality that is rarely demonstrated in this day and age.

If you have any questions, feel free to contact me at jabramso@asu.edu or at 480/277-7912.

Thank you,

Jay Abramson

Jay Abramson Principal Lecturer, School of Mathematical and Statistical Sciences, ASU

FILED IN PAYSON
2022 FEB 11 AM 10:42
ANITA ESCOBEDO, CLERK

SUPERIOR COURT OF ARIZONA
GILA COUNTY

DATE: 02/07/2022
JUDGE: TIMOTHY M. WRIGHT
HEARD BY:
LOCATION: DIV II PAYSON
COURT REPORTER: NONE
☒ AUDIO RECORDING

ANITA ESCOBEDO
CLERK OF THE SUPERIOR COURT
BY: R BURKE, DEPUTY CLERK DEPUTY

**MINUTE ENTRY**

| | |
|---|---|
| STATE OF ARIZONA, Plaintiff, vs. SCOTT SURGENT, Defendant. | CASE NO. S0400CR202100219 ☒ VICTIM CASE Start time: 4:20 p.m. End time: 4:35 p.m. |

## SENTENCE OF PROBATION

**APPEARANCES:** The State is represented by Mary Bystricky, Deputy County Attorney; Defendant is present with counsel, Aaron Reed; Probation is represented by Kathy Joerns and Debra Gildersleeve; victim is present.

This is the date set for Sentencing.

State makes oral motion to defer mitigator and aggravator factors. Victim speaks for the record. Mr. Reed speaks re courtesy supervision through Maricopa County. The Defendant is advised of the charge, the determination of guilt and is given an opportunity to speak. The Court addresses Defendant.

The Court finds as follows:

**WAIVER OF TRIAL:** The Defendant knowingly, intelligently, and voluntarily waived right to a trial with or without a jury, right to confront and cross-examine witnesses, right to testify or remain silent and right to present evidence and call his own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of guilty to the charges contained in the plea agreement.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court accepts the plea agreement and enters the following judgment and sentence:

**IT IS THE JUDGMENT OF THE COURT** that the Defendant is guilty of the crime of:

**Count One Amended: Disorderly Conduct with a Weapon,** a class 6 undesignated felony, a non-dangerous, non-repetitive offense, occurring on or between March 9, 2021 and May 9, 2021, in violation of A.R.S. §§13-2904(A)(6), 13-604, 13-607, 13-701, 13-702, 13-707, 13-801, 13-802, 13-821, 13-901, 13-902, 12-114.01, 12-116.01 and 12-116.02.

Upon consideration of the offense, and the facts, law, and circumstances involved in this case, the Court finds the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime,

**IT IS ORDERED** suspending imposition of sentence and placing Defendant on probation for a period of eighteen (18) months, commencing this date, under the supervision of the Gila County Adult Probation Department.

**PROBATION SERVICE FEE: ORDERED** that Defendant pay a probation service fee to the Clerk of the Superior Court at a rate of $65.00 per month, commencing March 1, 2022, and monthly thereafter until probation is terminated.

**MONETARY ASSESSMENTS: ORDERED** that Defendant pay the following monetary assessments through the Clerk of the Superior Court, to be paid in full by close of business this date:

| | |
|---|---|
| PROBATION ASSESSMENT: | $20.00 |
| ASSESSMENT A.R.S. §12-116.04(A): | $13.00 |
| ASSESSMENT A.R.S. §12-116.08: | $9.00 |
| ASSESSMENT A.R.S. §12-116.09: | $2.00 |
| COST OF PROSECUTION: | $750.00 |

**ORDERED** that Defendant abide by Mental Health Terms.

**ORDERED** that Defendant participate in Relationship Counseling as directed by Gila County Adult Probation Department.

**ORDERED** that Defendant shall not possess any deadly weapons or dangerous instruments.

**ORDERED** exonerating any bond.

**ORDERED** dismissing any charge(s) and/or allegation(s) dismissed pursuant to the Plea Agreement.

Written terms and conditions of probation will be given to Defendant by the Probation Department for explanation, acceptance, and signature. Defendant agrees to the stated waiver of right of extradition. Defendant is advised concerning the consequences of failure to abide by the conditions of probation.

The Defendant is advised concerning rights of review, and written notice of those rights is provided.

FILED: Notice of Rights to Review signed by the Defendant.

Defendant's Address: 1750 S. Price Road, #152
Tempe, AZ 85281

Case No. CR202100219

STATE v. SCOTT SURGENT

Defendant's DOB 06/04/1967

Let the record reflect that the Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

Signed on the 7 day of February 2022

JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)

CC:
AARON REED [em]

OFFICE DISTRIBUTION:
COUNTY ATTORNEY [em]
COURT ADMINISTRATION [em]
PROBATION DEPARTMENT [em]
FINANCE [em]
BONDS [em]
CRIMINAL DESK [em]
VICTIM ADVOCATE [em]

FILED
AT 4:35 PM
FEB - 7 2022
ANITA ESCOBEDO, CLERK
BY [signature] DEPUTY

# SUPERIOR COURT OF ARIZONA
# IN GILA COUNTY

STATE OF ARIZONA, Plaintiff

CR 202100219

-vs-

Scott Surgent

Defendant (FIRST, MI, and LAST NAME)

**NOTICE OF RIGHTS AFTER SENTENCING IN THE SUPERIOR COURT (NON-CAPITAL)**

**RIGHT TO APPEAL.**

You have a right to appeal from a final judgment of conviction or a verdict of guilty except insane, from an order denying a motion for new trial, from an order entered after judgment affecting your substantial rights, or from a sentence that you claim is illegal or excessive.

However, you do not have a right to direct appeal from your final judgment of conviction and sentence if you: (1) entered a plea of guilty or no contest; (2) admitted that you violated your conditions of probation or had an automatic probation violation based on a plea of guilty or no contest; or (3) failed to appear at sentencing, which resulted in sentencing occurring more than 90 days after the date of conviction. In these three situations, you may seek relief only by filing a notice and petition for post-conviction relief under Rule 33. (See the section below on post-conviction relief.)

**EXERCISING YOUR RIGHT TO APPEAL.**

1. Notice of Appeal. If you want to appeal from a judgment of conviction and imposition of sentence, you must file a Notice of Appeal (Form 24(a)) within 20 days after the court's oral pronouncement of your sentence in the courtroom. If you want to appeal from any other appealable judgment or order, you must file a Notice of Appeal (Form 24(a)) no later than 20 days after entry of the judgment or order. You will lose your right to appeal if you do not file a Notice of Appeal within the time required.

   If you want to appeal, you should let your lawyer know that you want to appeal. You can file a Notice of Appeal before you leave the courtroom on the day you are sentenced. After that, you should contact your lawyer by phone, letter, or in person, and tell your lawyer that you want to appeal.

2. If You Want to Appeal but Do Not Have a Lawyer. If you do not have a lawyer, ask the clerk of the court, or staff at the jail or prison where you are incarcerated, for Form 24 (a), which is a Notice of

Appeal. Also ask for Form 5, which is the Defendant's Financial Statement and Request for Appointment of Counsel. Complete both forms and immediately file them with, or send them to, the clerk of the superior court in the county where you were sentenced. These forms must arrive at the clerk's office within 20 days after the date you were sentenced.

3. Waiver of the Right to a Lawyer. You have a right to be represented by a lawyer or your appeal, and you should have a lawyer handle your appeal. However, you may also represent yourself. If you choose to waive your right to appellate counsel, you must file a written waiver no later than 30 days after filing your notice of appeal. If you file your waiver before you file your notice of appeal, or at the same time, the waiver must be filed in the superior court. If you file your waiver after you filed your notice of appeal, you must file the waiver in the superior court and in the appellate court. If the superior court determines that your waiver of appellate counsel is knowing, intelligent, and voluntary, you will be allowed to represent yourself on appeal. But the court may appoint advisory counsel for you during any stage of the appeal.

**RIGHT TO POST-CONVICTION RELIEF.**

Every defendant in the superior court has a right to request post-conviction relief under Rule 32 or 33.

1. What to File. To exercise your right to post-conviction relief, you first must file a Notice Requesting Post-Conviction Relief, Form 24(b).

2. When to File. If you do not file a Notice Requesting Post-Conviction Relief within the required time, you may lose the opportunity to have the court correct any errors that might have occurred in your case.

   (a) *If you did not have an appeal.* If you did not file, or if you did not have the right to file, a Notice of Appeal, you must file a Notice of Post-Conviction Relief within 90 days after the oral pronouncement of sentence.

   (b) *If you did have an appeal.* If you did appeal, you must file a Notice Requesting Post-Conviction Relief within 30 days after the appellate court issues an order and mandate affirming the judgment and sentence.

   (c) *If you did not have a right to appeal but you had a first post-conviction proceeding and wish to raise a claim that post-conviction counsel was ineffective in a successive post-conviction proceeding.* If you did not have the right to appeal but you did seek post-conviction relief in a first proceeding and you claim your attorney in that proceeding was ineffective, you must file a Notice Requesting Post-Conviction Relief within 30 days after the trial court enters its final order in the first proceeding, or, if you sought appellate review of that order, no later than 30 days after the appellate court issues an order and mandate in that first proceeding.

3. How to File. You must obtain a copy of Form 24(b) (Notice Requesting Post-Conviction Relief) from your attorney, the clerk of the court, or staff at the jail or prison where you are incarcerated. Complete the notice and file it with, or send it to, the clerk of the superior court of the county where you were sentenced. The notice must arrive at the clerk's office within the time specified in paragraph 2.

4. Requesting a Lawyer. If you want a lawyer to represent you in your post-conviction proceeding and you cannot afford to hire a lawyer, you must sign the declaration of indigency contained in the Notice Requesting Post-Conviction Relief and ask the court to appoint a lawyer to represent you.

If you want a full copy of the rules governing appeals and post-conviction relief, the clerk of the court in the county where you were convicted will send you one upon request.

**RIGHT TO APPLY TO HAVE A CONVICTION SET ASIDE.**

On fulfillment of the conditions of probation or sentence, and discharge by the court, you may apply to the court where you were sentenced to have the judgment of guilt set aside. Your attorney or probation officer can apply on your behalf. If you were convicted of multiple offenses, the court must act on each individual case and each individual count. If you have more than one case number, you must file a separate application for each case number. The court will not charge a fee for filing an application to set aside a conviction. The Application to Set Aside Conviction (Form 31(a)) is available online from the Arizona Judicial Branch Self-Service Center at https://www.azcourts.gov/selfservicecenter/Criminal-Law/Criminal-Forms and from most superior court web sites. Complete the form and file it with, or send it to, the clerk of the superior court of the county where you were sentenced.

**RECEIPT BY DEFENDANT.**

I have received a copy of this notice.

2-7-22
Date

Defendant's Signature

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
02/08/2022 9:32AM
BY: MLEDBETTER
DEPUTY

# IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
# UNIFORM CONDITIONS OF SUPERVISED PROBATION

**STATE OF ARIZONA** **COUNTY/DIVISION:** Gila / 2

**VS.** **CR:** 202100219

SCOTT ADAM SURGENT §13-901.01 Offense ☐ 1st ☐ 2nd ☒ Ineligible

**SID#:** AZ 27103049

**OFFENSE(S):** Amended Count 1: Disorderly Conduct with a Weapon, a class 6 Undesignated Felony, in violation of A.R.S. §13-2904(A)(6).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department, (APD),

☒ ***PLACING*** *the defendant on probation for a period of* 18 ☐ *year(s)* ☒ *month(s)* ☐ *day(s)* ☐ *lifetime*

- ☒ *to begin* 2 / 7 / 22 *or*
- ☐ *upon absolute discharge from prison for a separate offense or*
- ☐ *upon release from prison for felony DUI (_____ months;_____ days credit for time served)*
- ☐ *upon release from prison pursuant to A.R.S. §13-603(K)*

☐ ***REINSTATING*** *the defendant on probation for a period of* _____ ☐ *year(s)* ☐ *month(s)* ☐ *day(s)* ☐ *lifetime*

- ☐ *to begin* ____/____/____ *with a revised expiration date of* ____/____/____.

**I AGREE TO THE FOLLOWING AS CONDITIONS OF THE SUSPENSION OF IMPOSITION OR EXECUTION OF SENTENCE:**
(Conditions Checked Also Apply)

***LAW ABIDING BEHAVIOR***

1. I will maintain a crime-free lifestyle by obeying all laws, and not engaging or participating in any criminal activity.
2. I will not possess or control any stun guns, tasers, firearms, ammunition, deadly or prohibited weapons as defined in A.R.S. §13-3101.
3. I will report any contact I have with law enforcement to the APD within 72 (or_____) hours.
4. I will submit to search and seizure of person and property by the APD without a search warrant.
5. If deported or processed through voluntary departure, I will not return to the United States without legal authorization during the term of my probation. If I am deported or processed through voluntary departure, all conditions remain in effect except for_____.

***REPORTING TO APD***

6. I will report to the APD within 72 (or_____) hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. I will also keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. I will provide a sample for DNA testing if required by law.

***RESIDENCE***

7. I will provide the APD safe, unrestricted access to my residence and receive prior approval of the APD before changing my residence. I will reside in a residence approved by the APD.
8. I will request and obtain written permission of the APD prior to leaving the state (☐ county).
9. I may apply for Interstate Compact supervision in the State of_____ and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.
10. I may apply for an Inter-County transfer and will not proceed to that County until APD issues written authorization.

***TREATMENT/BEHAVIOR CHANGE/PRO-SOCIAL ACTIVITIES***

11. I will actively participate and cooperate in any program of counseling or assistance as determined by APD, or as required by law, given assessment results and/or my behavior. I will sign any release or consent required by the APD so the APD can exchange information in relation to my treatment, behavior and activities.
12. I will not possess or use illegal drugs or controlled substances and will submit to drug and alcohol testing as directed by the APD.

**STATE OF ARIZONA**
**VS.**

**COUNTY/DIVISION:** Gila / 2

SCOTT ADAM SURGENT

**CR:** 202100219

13. I will obtain written approval of the APD prior to associating with anyone I know who has a criminal record. I will not knowingly associate with any person engaged in criminal behaviors.
14. I will seek, obtain, and maintain employment, if legally permitted to do so, and/or attend school. I will inform the APD of any changes within 72 hours.
15. I will be financially responsible by paying all restitution, fines and fees in my case as imposed by the Court. I understand, if I do not pay restitution in full, the Court may extend my probation.

☐ 16. I will not consume or possess any substances containing alcohol.

***SPECIAL REQUIREMENTS***

☐ 17. I will complete a total of_____hours of community restitution. I will complete_____hours per month as directed in writing by my probation officer. I will complete these hours at a site approved by the APD.

☐ 18. I will serve_____ ☐ days ☐ month(s), in the county jail beginning____/____/____with credit for_____days served, ☐ not to be released until____/____/____. I will report to the APD within 72 (or_____) hours of my release from jail. I will comply with all program rules.
☐ Be screened for or ☐ shall participate in Work Furlough, if eligible or ☐ Work Release, if eligible

☐ 19. I will not have any contact with the victim(s) in any form, unless approved in writing by the APD.

☐ 20. I will comply with the following sanctions based on my behavior:
☐ Up to_____ community restitution hours *(in addition to any ordered under condition #17)*, as directed by the APD.
☐ Up to_____days in the county jail *(in addition to any ordered under condition #18)*, at the discretion of the Court, upon recommendation from the APD.

☒ 21. I will abide by the attached special conditions of probation:

| | | |
|---|---|---|
| ☐ Intensive Probation | ☐ Sex Offender | ☐ Gang |
| ☐ Domestic Violence | ☐ Drug Court | ☐ _____ |
| ☒ Mental Health | ☐ DUI Court/Program | |

☒ 22. Participate in relationship counseling, as directed by probation. Defendant shall not possess any deadly weapons or dangerous instruments.

**Based upon the defendant's agreement to abide by the Conditions of Supervision set forth, above, as well as my review and approval of such conditions, I hereby impose and order that these conditions are in effect, and the defendant shall comply with said conditions.**

**Judge of the Superior Court** **Date** 2-7-22

***RECEIPT AND ACKNOWLEDGMENT:*** *I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation my probation could be revoked and the Court may sentence me in accordance with the law. In addition, I waive extradition for any probation revocation proceedings in this matter.*

**Defendant** **Date** 2-7-22

Defendant's Address Apt. City State Zip Phone

DISTRIBUTION: Original – Court, Copies – APD, Defendant

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
02/08/2022 9:32AM
BY: MLEDBETTER
DEPUTY

# FINANCIAL JUDGMENT AND ORDER

**ARIZONA SUPERIOR COURT**
**GILA COUNTY**
DIVISION 2

**State of Arizona** **Case No. CR:** 202100219

**vs.**
SCOTT ADAM SURGENT

**SID#:** AZ27103049

☐ Reinstatement commencing ☐ Today's Date (or) ☐ Date____/____/____

*PURSUANT TO CONDITION 15 OF THE UNIFORM CONDITIONS OF PROBATION, THE DEFENDANT SHALL ABIDE BY THE FOLLOWING JUDGMENT AND ORDER OF RESTITUTION, FINES AND FEES.*

| FINANCIAL SANCTIONS | TOTAL | MONTHLY PAYMENT | BEGIN DATE |
|---|---|---|---|
| ☐ Restitution A.R.S. §13-804 | $ | $ | |
| ☒ Time Payment Fee A.R.S. §12-116 | ~~$20.00~~ | $ | |
| ☒ Probation Assessment A.R.S. §12-114.01 | $ 20.00 | $ | |
| ☒ Probation Fees A.R.S. §13-901 | $ | $ 65.00 | 3-1-22 |
| ☐ Fine A.R.S. §13-801/802/821 | $ | $ | |
| ☐ Surcharge_____% | $ | $ | |
| ☒ Assessment A.R.S. §12-116.08 (1/1/2019) | $ 9.00 | $ | |
| ☒ Assessment A.R.S. §12-116.09 (1/1/2015) | $ 2.00 | $ | |
| ☒ Reimbursement/Cost of Prosecution | $ 750.00 | $ | |
| ☐ DUI Abatement Fund | $ | $ | |
| ☐ Prison Construction & Operations Fund (03/13/04) | $ | $ | |
| ☐ Public Safety Equipment Fund (09/26/08) | $ | $ | |
| ☒ Assessment *Moving Violations* (07/20/11) | $ 13.00 | $ | |
| ☐ Assessment *Domestic Violence Shelter Fund* (01/01/12) | $ | $ | |
| ☐ Assessment *Address Confidentiality Fee* (7/20/11) | $ | $ | |
| ☐ Assessment *Dangerous Crimes Against Children* (01/01/12) | $ | $ | |
| ☐ | $ | $ | |
| ☐ | $ | $ | |
| TOTAL | $ ~~814.00~~ 794.00 | $ 65.00 | 3-1-22 |

*Probation Department may set up monthly payment schedule pursuant to A.R.S. §13-808A.
**IT IS ORDERED** credit be given for any monies paid to date and, if necessary, balances be adjusted accordingly. All modified orders are to be considered new orders for billing purposes.

**Condition(s) #_____of previous order dated____/____/____is/are deleted.**
**Condition(s) #_____is/are suspended until further ordered.**

*If restitution is not paid in full, the court may extend the period of probation pursuant to A.R.S. §13-902(C). Should you become more than two months behind in your monthly payments, the adult probation department is authorized to order you to surrender your wages. Court ordered financial obligations will be deducted and the remainder of your wages will be returned to you.*

Defendant 2-7-22 Date Judge 2-7-22 Date

Defendant's Address Apt. City State Zip Phone

Rev 04/2019

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
02/08/2022 9:32AM
BY: MLEDBETTER
DEPUTY

# IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
# SPECIAL CONDITIONS OF PROBATION

State of Arizona
vs.
SCOTT ADAM SURGENT

COUNTY / DIVISION: Gila /
CASE / CR 202100219

SID#: AZ27103049 ☐ Reinstatement Commencing: [ ] Today's Date [ ] This Date: _____

Pursuant to Uniform Condition 21, the defendant shall:

☒ **Mental Health**

1. I will actively participate in any program of counseling or assistance as determined by APD, or as required by law, given assessment results and/or my behavior. I will sign any release or consent required by the APD so the APD can exchange information in relation to my treatment, behavior and activities.
2. I will follow instructions of program and/or treatment staff.
3. I will take my medications as prescribed and report any changes in medication use to the APD.
4. I will submit to blood level checks and urinalysis as instructed by treatment staff or the APD.
5. I will abide by any curfew or restrictions to residence, if imposed by the APD.

Receipt and Acknowledgement: I acknowledge receipt of the Special Conditions of Probation. I understand and will comply with the conditions. I understand that by not abiding by the Conditions of Probation my probation could be revoked and the Court may sentence me in accordance with the law.

Defendant Signature — 2-7-22 Date — Judge of the Superior Court/Probation Officer — 2-7-22 Date

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
06/06/2022 2:47PM
BY: DAROCHA
DEPUTY

Aaron J. Reed (SBA: 033120)
**RYAN GARVEY ATTORNEYS, PLC**
2111 East Highland Ave., Suite B135
Phoenix, Arizona 85016
Telephone (480) 905-3117
Fax (480) 905-3166
info@ryangarveyattorneys.com

Attorneys for Defendant

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| STATE OF ARIZONA,<br><br>Plaintiff,<br><br>v.<br><br>SCOTT SURGENT,<br><br>Defendant. | **Case No.: S-0400-CR-202100219**<br><br>**MOTION FOR WITHDRAWAL OF COUNSEL** |

Undersigned counsel, Aaron J. Reed, hereby respectfully moves this Court for an Order granting leave to withdraw as attorney of record for Defendant, Scott Surgent.

This motion is based on the fact that undersigned counsel's scope of service is complete. The Defendant was sentenced on February 7, 2022.

WHEREFORE, it is respectfully requested that this Court grant leave to withdraw as attorney of record in this matter.

RESPECTFULLY SUBMITTED this 6th day of June, 2022.

RYAN GARVEY ATTORNEYS, PLC

/s/ Aaron J. Reed
Aaron J. Reed
Attorney for Defendant

///

///

Original of the foregoing to be e-filed
this 6th day of June, 2022, to:

Clerk, Gila County Superior Court
1400 E. Ash Street, 3rd Floor
Globe, AZ 85501

Copy of the foregoing to be emailed
this 6th day of June, 2022, to:

Honorable Timothy M. Wright
Gila County Superior Court
vguadiana@courts.az.gov

Gila County Attorney
1400 E Ash Street
Globe, AZ 85501
attorney@gilacountyaz.gov

By /s/ B. Martin

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
06/07/2022 2:42PM
BY: MLEDBETTER
DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| STATE OF ARIZONA,<br><br>Plaintiff,<br><br>v.<br><br>SCOTT SURGENT,<br><br>Defendant. | **Case No. S0400CR202100219**<br><br>**ORDER** |

The Defense, having filed a Motion to Withdraw as Attorney of record, and good cause appearing,

IT IS HEREBY ORDERED allowing Counsel to withdraw as attorney in this matter.

DATED this 7th day of June, 2022.

eSigned by Wright, Timothy 06-07-2022 08:54:44 TUYzR6iT

Honorable Timothy M. Wright
Gila County Superior Court

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
11/28/2022 9:37AM
BY: DAROCHA
DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **THE STATE OF ARIZONA,**<br><br>Plaintiff,<br><br>-vs-<br><br>Scott Surgent,<br><br>Defendant. | **S0400CR202100219**<br><br>**PETITION TO TERMINATE PROBATION EARLY**<br><br>**Assigned to the Honorable Timothy M. Wright, Division II** |

§13-901.01 Offense: ☐ 1st ☐ 2nd ☐ Ineligible ☒ N/A

On the 7th day of February, 2022, a judgment of guilt was entered against the above defendant, after a plea of guilty (or...being found guilty by a jury or a Judge) of the crime Ct. 1 Amended: Disorderly Conduct with a Weapon, a class 6 undesignated felony in violation of A.R.S. §13-2904(A)(6), and was placed on probation for a period of 18 months with the following financial assessments as stipulated by the Court:

| | | | |
|---|---|---|---|
| Probation Service Fee | $ 65 a month | A.R.S. §12-116.04(A) | $ 13.00 |
| Cost of Prosecution | $ 750.00 | A.R.S. §12-116.09 | $ 2.00 |
| PSF Surcharge | $ 20.00 | A.R.S. §12-116.08 | $ 9.00 |
| | | **TOTAL** | **$ 794.00** |

The ends of justice have been served by the termination of probation because:
The defendant is being supervised by Maricopa Probation and they report the defendant is making positive behavior changes and recommending early termination. The defendant has paid all of his financial obligations. Given the defendant's compliance while on standard probation, it is asked that his term be ended early, pursuant to A.R.S. 13-901 E.

**IT IS HEREBY REQUESTED** that the above-named defendant be terminated from the supervision of the Court effective November 23, 2022 and his undesignated offense be deemed a **Misdemeanor**.

RESPECTFULLY SUBMITED ON November 28, 2022.

By: /s/ Jeremy Soden — Deputy Probation Officer

Approved: */s/ J. Boyer* — Probation Manager

Distribution

☑ Defendant ☑ Mailed ☐ Emailed ☐ Faxed Date: 11/28/2022
☑ County Attorney ☐ Mailed ☑ Emailed ☐ Faxed Date: 11/28/2022

E-filed and distributed by: C. Zamora

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
11/29/2022 4:01PM
BY: DAROCHA
DEPUTY

Aaron J. Reed (SBN: 033120)
**Dwane.Cates.Com, PLLC**
Attorneys At Law
7310 N. 16th Street, Suite 330A
Phoenix, Arizona 85020
Telephone (480) 620-8568
aaron@dwanecates.com
*Attorney for Defendant*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| STATE OF ARIZONA,<br>Plaintiff,<br>v.<br>SCOTT SURGENT,<br>Defendant. | **Case No:** S-0400-CR-202100219<br><br>**NOTICE OF APPEARANCE** |

COMES NOW, undersigned counsel, Aaron J. Reed of DwaneCates.Com, PLLC, pursuant to Rule 6 of the Arizona Rules of Criminal Procedure, and hereby enters his appearance on behalf of Scott Surgent, for all further proceeding in this case.

**RESPECTFULLY SUBMITTED** this 29th day of November, 2022.

DwaneCates.Com, PLLC

/s/ Aaron J. Reed
Aaron J. Reed
*Attorney for Defendant*

///

///

ORIGINAL of the foregoing e-filed this 29th day of November, 2022 to:

Clerk of The Court
Gila County Superior Court
714 S. Beeline Hwy., Suite 104
Payson, AZ 85541

Copy of the foregoing to be emailed this 29th day of November, 2022, to:

Honorable Timothy M. Wright
Gila County Superior Court
vguadiana@courts.az.gov

Gila County Attorney
1400 E Ash Street
Globe, AZ 85501
attorney@gilacountyaz.gov

By: /s/ B. Martin

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
12/01/2022 11:15AM
BY: ARUTLEDGE
DEPUTY

Aaron J. Reed (SBN: 033120)
**DwaneCates.Com, PLLC**
Attorneys At Law
7310 North 16th Street, Suite 330A
Phoenix, Arizona 85020
Telephone (480) 808-3968
aaron@dwanecates.com
*Attorneys for Defendant*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| STATE OF ARIZONA ,<br>Plaintiff,<br>v.<br>SCOTT SURGENT,<br>Defendant. | Case No: S-0400-CR-202100219<br>**MOTION TO TERMINATE PROBATION PURSUANT TO A.R.S. § 13-901 AND DESIGNATE THE CONVICTION AS A MISDEMEANOR PURSUANT TO A.R.S. § 13-604(C)**<br>Assigned to: Hon. Timothy Wright |

Comes Now Defendant, Scott Surgent, by and through counsel undersigned, and hereby requests that this Court terminate Mr. Surgent's probation pursuant to A.R.S. § 13-901(E).

Mr. Surgent was placed on 18 months of supervised probation on February 7, 2022, after pleading guilty to Disorderly Conduct as a class 6 undesignated felony. Since the conviction, Mr. Surgent has completed all of the terms of probation and has not committed any new offenses. Mr. Surgents is current on all financial obligations and continuing to keep him on probation at this point is not serving any reasonable purpose. The interests of justice will be served by terminating Mr. Surgent's probation at this time.

Furthermore, Mr. Surgent is requesting that this court enter an order designating the conviction a misdemeanor offense pursuant to A.R.S. § 13-604(C). The terms of the plea agreement stipulated that this conviction would be designated a misdemeanor upon successful completion of the terms of probation, and should this Court terminate Mr. Surgent's probation early, this case should be designated a misdemeanor at that point.

Wherefore, Mr. Surgent respectfully requests that this Court terminate his probation at this time and designate his conviction as a misdemeanor offense. The Adult Probation Department is not objecting to the termination of Mr. Surgent's probation.

RESPECTFULLY SUBMITTED this 1st day of December, 2022.

DWANECATES.COM, PLLC

/s/ Aaron Reed
Aaron Reed
*Attorney for the Defendant*

ORIGINAL of the foregoing e-filed
this 1st day of December, 2022, with:

Clerk of the Court
Gila County Superior Court
1400 East Ash Street
Globe, Arizona 85501

Copy mailed/faxed
this 1st day of December, 2022, to:

Hon. Timothy Wright
Gila County Superior Court
1400 East Ash Street
Globe, Arizona 85501

Assigned DCA
Gila County Attorney's Office
1400 East Ash Street
Globe, Arizona 85501

By: /s/ AJR

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
12/09/2022 10:12AM
BY: MBRANSON
DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| **THE STATE OF ARIZONA,**<br><br>Plaintiff,<br><br>-vs-<br><br>Scott Surgent,<br><br>Defendant. | **S0400CR202100219**<br><br>**ORDER TO TERMINATE PROBATION EARLY**<br><br>**Assigned to the Honorable Timothy M. Wright, Division II** |

**THE COURT** having read the foregoing Petition to Terminate Probation and finding good cause appearing therefore;

**IT IS HEREBY ORDERED:**

The probation of the defendant in the above case is hereby terminated effective November 23, 2022.

**IT IS ALSO ORDERED:**

the undesignated offense be deemed a misdemeanor.

**DATED** December 9, 2022

eSigned by Wright, Timothy 12/09/2022 09:42:58 1TTUVLo-

**Honorable Timothy M. Wright**
**JUDGE OF THE SUPERIOR COURT**

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
12/12/2022 11:24AM
BY: MBRANSON
DEPUTY

BRADLEY D. BEAUCHAMP
GILA COUNTY ATTORNEY

BRADLEY M. SOOS
Chief Deputy County Attorney
Bar ID#: 012897
714 S. Beeline Highway, Suite 202
Payson, AZ 85541
Telephone: (928) 474-4068
Facsimile: (928) 474-9066
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF GILA

| | |
|---|---|
| THE STATE OF ARIZONA,<br><br>Plaintiff,<br><br>vs.<br><br>SCOTT SURGENT,<br><br>Defendant. | CR2021-00219<br><br>STATE'S RESPONSE TO MOTION TO TERMINATE PROBATION<br><br>(Assigned to the Honorable Timothy Wright, Division II) |

The State opposes defendant's motion. The defendant agreed to be placed on probation for a period of 18 months. He was sentenced on February 7, 2022. His probation does not expire until August 7, 2023. This case involved domestic violence during which a suicidal defendant brandished a gun. The presentence report notes this behavior occurred on numerous prior occasions. For all of these reasons, the court should deny the motion.

Submitted December 12, 2022

BRADLEY D. BEAUCHAMP
GILA COUNTY ATTORNEY

BY: /s/
/s/ Bradley M. Soos
Chief Deputy County Attorney

Copy e-mailed
December 12, 2022 to:

The Honorable Timothy Wright
Judge of the Superior Court

Aaron J. Reed, Esq.
Retained Defense Counsel
7310 N. 16th Street, Suite 330A
Phoenix, AZ 85020-5258
Attorney for Defendant

Victim Services

Adult Probation

BMS/pdm

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
12/14/2022 10:37AM
BY: MBRANSON
DEPUTY

Aaron J. Reed (SBN: 033120)
**DwaneCates.Com, PLLC**
Attorneys At Law
7310 North 16th Street, Suite 330A
Phoenix, Arizona 85020
Telephone (480) 808-3968
aaron@dwanecates.com
*Attorneys for Defendant*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| STATE OF ARIZONA ,<br>Plaintiff,<br>v.<br>SCOTT SURGENT,<br>Defendant. | Case No: S-0400-CR-202100219<br>**REPLY TO THE STATE'S RESPONSE TO THE DEFENDANT'S MOTION TO TERMINATE PROBATION**<br>(Assigned to: Hon. Timothy Wright) |

COMES NOW, Defendant, Scott Surgent, by and through counsel undersigned, hereby replies to the State's response and asks that this Court grant Mr. Surgent's motion and terminate his probation pursuant to A.R.S. § 13-901(E).

In reviewing the State's response, Mr. Surgent did sign a plea agreement for 18 months of supervised probation; however, this Court is still free to terminate the probation term. The State could have easily put language in the plea that would prevent Mr. Surgent from attempting to terminate his probation early, however, they did not do so. Therefore, since the plea agreement is silent on the issue of early termination, this Court is free to terminate Mr. Surgent and not violate the terms and conditions of the plea. Mr. Surgent urges this Court to do just that.

Further, the State is attempting to litigate issues contained within the pre-sentence report in a post conviction matter and this Court should not consider anything contained within the pre-sentence report. First, the State makes no attempt to describe any "prior occasion" of this event happening within the marital home, nor does the State provide any context as to their allegations. They simply regurgitate ambiguous information from the pre-sentence report in a desperate attempt to create issues that are not there. Had the State been so concerned about Mr. Surgent's "prior behaviors," they would not have given Mr. Surgent a plea agreement that allows him to earn a misdemeanor upon successful completion of

probation. Additionally, it is clear that the police were never involved in any of the other alleged incidents and Mr. Surgent absolutely denies anything like this has ever happened prior to this case. The State is just flat out wrong.

WHEREFORE, Mr. Surgent respectfully requests this Court to grant his motion to terminate probation and allow him to move on with his life. Since being placed on probation, Mr. Surgent has remained law abiding and has completed all of the terms and conditions this Court imposed on him. The only thing he is doing now is just paying a probation service fee every month. Terminating his probation is the last step towards putting this chapter of his life behind him.

RESPECTFULLY SUBMITTED this 14th day of December, 2022.

DWANECATES.COM, PLLC

/s/ Aaron Reed
Aaron Reed
*Attorney for the Defendant*

ORIGINAL of the foregoing e-filed
this 14th day of December, 2022, with:

Clerk of the Court
Gila County Superior Court
1400 East Ash Street
Globe, Arizona 85501

Copy mailed/faxed
this 14th day of December, 2022, to:

Hon. Timothy Wright
Gila County Superior Court
1400 East Ash Street
Globe, Arizona 85501
vguadiana@courts.az.gov

Assigned DCA
Gila County Attorney's Office
1400 East Ash Street
Globe, Arizona 85501
attorney@gilacountyaz.gov

By: /s/ AJR

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
12/22/2022 10:00AM
BY: MBRANSON
DEPUTY

**IN THE SUPERIOR COURT**
**OF**
**Gila County, State of Arizona**

**FILED** in Court Record

12/22/2022
**HON. TIMOTHY M. WRIGHT** V GUADIANA
Div: 2 Judicial Assistant

| | |
|---|---|
| **STATE OF ARIZONA,** Plaintiff, **vs.** **SCOTT SURGENT,** Defendant. | CR202100219 **VICTIM CASE** |

**ORDER**

On November 28, 2022, the Probation Department filed a Petition to Terminate Probation Early.[1] On December 9, 2022, after receiving no objection to the Probation's Petition, the Court signed an order terminating the Defendant's probation and designating the offense a misdemeanor.

On December 1, 2022, counsel for the Defendant filed a Motion to Terminate Probation and designate the conviction a misdemeanor. On December 12, 2022, the State filed a Response to the Motion and on December 14, 2022, counsel for the Defendant filed a Reply.

As the Court has already granted Probation's Motion to Terminate and designate, Defendant's later motion is moot and the Court takes no action thereon.

cc:
AARON J. REED
7310 N. 16TH ST., SUITE 330A
PHOENIX, AZ 85020
aaron@dwanecates.com

**Office Distribution:**
**COUNTY ATTORNEY**
**PROBATION DEPARTMENT**
**VICTIM ADVOCATE**

[1] The Petition notes that a copy was emailed to the County Attorney's Office that same date.

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
01/13/2023 11:58AM
BY: AMYERS
DEPUTY

Aaron J. Reed (SBN: 033120)
**DwaneCates.Com, PLLC**
Attorneys At Law
7310 North 16th Street, Suite 330A
Phoenix, Arizona 85020
Telephone (480) 808-3968
aaron@dwanecates.com
*Attorneys for Defendant*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| STATE OF ARIZONA ,<br>Plaintiff,<br>v.<br>SCOTT SURGENT,<br>Defendant. | Case No: S-0400-CR-202100219<br>**MOTION TO SET ASIDE JUDGMENT OF GUILT PURSUANT TO A.R.S. §13-905(A)**<br>Assigned to: Hon. Timothy Wright |

Comes Now Defendant, SCOTT SURGENT, by and through counsel undersigned, and hereby requests that this Court set aside the Judgment of Guilt in the above captioned matter, pursuant to A.R.S. § 13-905(A). Additionally, Mr. Surgent is requesting that this Court include a certificate of second chance, pursuant to A.R.S. § 13-905(K). The certificate of second chance is required, pursuant to the statute, since this was designated a misdemeanor conviction. This motion is addressed to the Judge who pronounced the sentence in this matter, or their successor.

On February 7, 2022, Mr. Surgent pled guilty to one count of disorderly conduct as a domestic violence offense, pursuant to A.R.S. § 13-2904(A)(1). Mr. Surgent was sentenced to 18 months of supervised probation and was early terminated on November 23, 2022. He had completed all terms of probation and was current on all financial obligations at the time he was terminated and his felony conviction was designated a misdemeanor. All of the terms and conditions of his sentence have been fulfilled and his case has been closed.

Wherefore, Mr. Surgent respectfully requests that this Court enter an order setting aside the judgment of guilt pursuant to A.R.S. § 13-905(A) and issue a certificate of second chance pursuant to A.R.S. § 13-905(K).

RESPECTFULLY SUBMITTED this 13th day of January, 2023.

DwaneCates.Com, PLLC

/s/ Aaron J. Reed
Aaron J. Reed
*Attorney for the Defendant*

ORIGINAL of the foregoing e-filed
this 13th day of January, 2023, with:

Clerk of the Court
Gila County Superior Court
1400 East Ash Street
Globe, Arizona 85501

Copy mailed/faxed
this 13th day of January, 2023, to:

Hon. Timothy Wright
Gila County Superior Court
1400 East Ash Street
Globe, Arizona 85501
vguadiana@courts.az.gov

Assigned DCA
Gila County Attorney's Office
1400 East Ash Street
Globe, Arizona 85501
attorney@gilacountyaz.gov

By: /s/ AJR

FILED
Anita Escobedo
CLERK, SUPERIOR COURT
02/15/2023 2:41PM
BY: SHGARCIA
DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF GILA**

| | |
|---|---|
| STATE OF ARIZONA,<br>Plaintiff,<br>vs.<br>SCOTT SURGENT,<br>Defendant | Case No.: S-0400-CR-202100219<br><br>**ORDER** |

The Defense, having filed a Motion to Set Aside Judgment of Guilt Pursuant to A.R.S. §13-905(A), and good cause appearing,

IT IS HEREBY ORDERED granting said motion and setting aside the judgment of guilt pursuant and issuing a certificate of second chance.

eSigned by WOLAK, DAVID E. 02/15/2023 14:00:36 xCRcrSDI

# ARIZONA DEPARTMENT OF PUBLIC SAFETY
## DISPOSITION REPORT

*Mail to:* Criminal History Records
AZ Department of Public Safety
P.O. Box 18450
Phoenix, AZ 85005-8450

| 1 SID NUMBER | 2 NAME (Last, First, Middle) | 3 DATE OF BIRTH | 4 DATE OF ARREST | 5 PCN |
|---|---|---|---|---|
| | SURGENT, SCOTT ADAM | 19670604 | 20210509 | 3304075509 |

| 6 ARRESTING AGENCY ORI | 7 ARRESTING AGENCY CASE NO. | 8 BOOKING AGENCY ORI | 9 BOOKING NUMBER |
|---|---|---|---|
| AZ0040600 | PAY210005076 | AZ0040200 | GCS210500074 |

| 10 CHARGES / AMENDED CHARGES<br>*CHARGES:* Please write literal. If more than three (3) charges, list on second (2nd) form.<br>*LAW ENFORCEMENT AGENCY:* Fill in original charges(s) on line(s) 1a, 2a, etc.<br>*PROSECUTOR / COURT:* Fill in amended charges(s) on line(s) 1b, 2b, etc. | 11 ARIZONA REVISED STATUTE OR ORDINANCE | 12 DATE OF OFFENSE / VIOLATION | 13 OFFENSE TYPE | 14 PREPARATORY OFFENSE | 15 DOMESTIC VIOLENCE & VICTIM INFO. | 16 DESIGNATED COURT NAME / IDENTIFIER | 17 AMENDED TO (X) | 18 DISPOSITION CODE | 19 PRISON OR JAIL | 20 LENGTH OF CONFINEMENT (dd,mo,yr) | 21 SENTENCE CODE | 22 PROBATION LENGTH (dd,mo,yr) | 23 FINE YES OR NO | 24 COURT CASE / COMPLAINT NUMBER | 25 DISPOSITION DATE | 26 AGENCY ORI MAKING DISPOSITION DECISION |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1a 13-1204A2<br>AGG ASLT-DEADLY WPN/DANG INST | | 20210509 | (F) | | D | AZ0040431 | X | | P J | | | | Y N | CR2021-219 | | |
| 1b 13-2904(A)(6)<br>Disorderly conduct with a weapon | | | (F) | | | | | GG | P J | | | 18mo | Y (N) | | 2/7/22 | |
| 2a | | | | | | | | | P J | | | | Y N | | | |
| 2b | | | | | | | | | P J | | | | Y N | | | |
| 3a | | | | | | | | | P J | | | | Y N | | | |
| 3b | | | | | | | | | P J | | | | Y N | | | |

27 FURTHER EXPLANATIONS OR MODIFICATIONS

28 RIGHT INDEX FINGERPRINT

CLERK OF THE SUPERIOR COURT
GILA COUNTY
AZ004015J

A Disposition Report is required from the disposition agency (arrest, prosecutor or court) pursuant to the AZ Rules of Criminal Procedure (Rule 37) for each person fingerprinted for a reportable crime pursuant to A.R.S. 41-1750

*Please call DPS Criminal History Records at (602) 223-2222 for assistance with this form.*

PREPARATORY OFFENSE CODES:
A - Attempted
C - Conspiracy to Commit
F - Facilitate
S - Solicit

VICTIM INFORMATION CODES:
D - Crime involves domestic violence
M - Victim is a minor
A - Victim is a vulnerable adult
L - Victim is a law enforcement officer
C - Dangerous crimes against children

DISPOSITION CODES:
AC - Acquitted / Not guilty
CD - Court Dismissed
DP - Deferred Prosecution
DS - Deferred Sentencing
GG - Guilty
GI - Guilty but Insane
NF - No complaint filed
NP - Nolle Contendre plea
NR - Not referred for Prosecution
PD - Pardoned
PM - Pending due to mental incompetency
PO - Plea to other charges
RI - Not responsible by reason of insanity

APPEAL CODE:
AF - Affirmed
AR - Affirmed, Remanded For Re-sentencing
RR - Reversed and Remanded
RV - Reversed and Conviction Overturned
SM - Sentence Modified

SENTENCE CODES:
CC - Concurrent
CS - Consecutive
PS - Public or Community Service
SS - Court Suspended Sentence